AN EXACT

COLLECTION

OF THE

Debates

OF THE

HOUSE of COMMONS,

Held at

WESTMINSTER,

October 21. 1680.

Prorogued the Tenth, and *Diſſolved* the Eighteenth of *January* following.

With the DEBATES of the Houſe of COMMONS at *OXFORD*, Aſſembled *March* 21. 1680.

Alſo a Juſt and Modeſt *Vindication* of the *Proceedings* of the ſaid *Parliaments*.

LONDON,

Printed for *R. Baldwin*, 1689.

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TO THE
READER.

NEver any Parliament Aſſembled in a more Critical Juncture, or had Matters of greater Importance before them, than that which met at Weſtminſter, October 21. 1680. *And never any Houſe of Commons was filled with Members of better Quality, Nobler Parts, more Political Wiſdom, greater Integrity, and truer Zeal for the Safety and Happineſs of His Majeſty's Perſon and Dignity, the Preſervation of the Proteſtant Religion, and the Security of the Civil Rights and Liberties of the People, than that was.*

And whereas the Dangers which they apprehended the Nation to labour under, put them upon the preparing divers Bills, and the paſſing ſeveral Votes, which have unhappily given ſome diſguſt; it will appear in theſe following Sheets, upon what weighty Inducements and convincing Reaſons, and after what free and mature Debates, thoſe Bills came to be brought in and promoted, and under the influente of what Arguments and Motives theſe Votes and Reſolves came to be made. Theſe Papers, though exceeding worthy of the view of the Nation, had nevertheleſs remained confined to the Privacy unto which they were originally deſigned, had not the publiſhing ſome imperfect Notes of the Debates of a latter Parliament, relating to the ſame Matters, rendred it indiſpenſibly neceſſary that the Kingdom ſhould be better enlightned, and more fully

fully inſtructed concerning them. And as nothing can ſo vindicate or juſtifie the Proceedings of a Parliament, as a true and perfect Relation of their own Debates, wherein the ſagacious Wiſdom, the unbiaſſed Integrity, and an univerſal Proſpect of the whole Intereſt (both Domeſtick *and* Foreign) *of the Kingdom, will appear to have guided and conducted all their Conſultations; ſo we noways doubt, but that the Speeches here truly and fully ſubjoined, as they were* pro re nata *ſpoken, will at once rectifie the Opinions of ſome Men concerning the late Actings both of that and two other Houſes of* Commons, *and fill the World with an eſteem and admiration of an* Engliſh Senate, *where private Gentlemen, of which the Lower Houſe of Parliament is conſtituted, can, concerning the greateſt Affairs, and moſt abſtruſe parts of Policy, ſpeak at ſuch a rate* extempore.

What

To the Reader.

What the thoughts of our Anceſtors have been, concerning the Power of a Parliament to determin the Succeſſion to the Imperial Crown of this Realm, may be ſeen not only in the Practice of more ancient Times, but in the Opinions of the greateſt and wiſeſt Men of the two laſt Ages. Fiſher *Biſhop of* Rocheſter, *and Sir* Thomas Moore, *two Perſons not onely addicted to the Popiſh Religion, but greatly devoted to the Intereſts of* Catherine, *and conſequently of her Daughter* Mary, *yet at that very time when they refuſed to take the Oath of Supremacy, by which King* Henry VIII. *was declared Head of the Church, were willing to ſwear another Oath for the Succeſſion of the Crown to the Iſſue of the King by* Anne Boleine, becauſe that was in the Power of the Parliament to determine it. *And the*

Burnet's Hiſt. of the Reformat. par. 1. lib. 2. p. 156.

Earl

Earl of Leiceſter, *in a Letter to the Earl of* Suſſex, *where diſcourſing whether* Mary *Queen of* Scots *ſhould be kept confined here, or ſet at Liberty, and returned into* Scotland, *upon ſuch Proviſions and Terms as might ſecure Queen* Elizabeth *againſt any future danger from her, adds this to the other Aſſurances which he thought convenient to be demanded of* Mary, *That the Queen of* England *ſhould* by Act of Parliament make it a Forfeiture in the Queen of Scots, *ſhould ſhe any way, directly or indirectly, go about to infringe the Agreement,* of all ſuch Titles and Claims that did remain in the Queen of *Scotland* after Her Majeſty and Her Iſſue, never to be capable of any Authority or Soveraignty within this Realm. *Nay, the very* Privy Council, *among other things which they*

Burnet's Hiſt. of the Ref. Collect. of Records, par. 2. p. 376.

they proposed to Mary, *as the Conditions upon which their Princess Queen* Elizabeth *might grant her her Liberty, this was one, That as she should claim no Right unto her self in the Kingdom of* England, *during the Life of the Queen, so she* should afterwards submit her Right of Succession unto the Estates of *England.*

Hist. of the Life of *Mary* Qu. of *Scots*, p. 8.

A COLLECTION Of ſome DEBATES In the Houſe of COMMONS Aſſembled at *Weſtminſter*, 1680.

The 26th of *October*.

Mr. Speaker,

Ld. *R.* SIR, ſeeing by *God's Providence*, and His *Majeſties Favour*, we are here aſſembled, to conſult and adviſe about the great Affairs of the Kingdom, I humbly conceive it will become us to begin firſt with that which is of moſt conſequence to our *King* and *Country*, and to take into conſideration how to ſave the *main*, before we ſpend any time about *particulars*. Sir, I am of opinion that the *Life* of our *King*, the *Safety* of our *Country* and Proteſtant Religion, are in great

danger from *Popery*, and that either this *Parliament* muſt *ſuppreſs* the *Power* and *Growth* of *Popery*, or elſe that *Popery* will ſoon *deſtroy* not only *Parliaments*, but all that is *near* and *dear* to us. And therefore I humbly move, That we may reſolve to take into our Conſideration in the firſt place, *How to ſuppreſs Popery, and prevent a Popiſh Succeſſor*; without which all our endeavours about other matters will not ſignifie any thing, and therefore this juſtly challengeth the precedency.

Mr. Speaker,

Sir *H.C.* Sir, I ſtand up to ſecond that Motion, and to give ſome Reaſons, with your permiſſion, why I agree in it, not doubting but other perſons will be of the ſame Opinion, if they have the ſame ſentiments what *influence* the *Popiſh Party* have had in the *management* of moſt of our Affairs both at *home* and *abroad* for many years laſt paſt: And how that Party hath *increaſed* and been *incouraged*. Sir, I remember that after his Majeſties happy Reſtoration, it was thought convenient that an *Act* of *Uniformity* ſhould paſs as the beſt Law that could be invented to ſecure the *Church* from the danger of *Popery* and *Fanaticiſm*, and accordingly it did paſs in the year 1662, but in the year 1663 ſome that then managed the great Affairs of State, or at leaſt had great intereſt with his Majeſty, were of another opinion: For they had prevailed with him to grant a *Toleration* and *Indulgence*, and to make a *Declaration* to that purpoſe. The Parliament aſſembling ſoon after, thought it very ſtrange, that in one year an *Act* of *Uniformity* ſhould be the beſt way to preſerve the Church, and that

in the next year a *Toleration* and *Indulgence*; therefore after a ſerious debate about it, in *February* 1603, they made an Addreſs to his Majeſty, humbly repreſenting how it would reflect upon the Wiſdom of that Parliament, to have ſuch an alteration made ſo ſoon, and that ſuch *Proceedings* for ought they could foreſee would end in *Popery*. Upon which his Majeſty, out of his great goodneſs, ſtopt the iſſuing out of the ſaid *Toleration*, hearkning rather to the advice of his Parliament than to any *private Counſellours*. Sir, I cannot inform you who it was that gave that Advice to his Majeſty, nor certainly affirm they were Popiſhly affected, but if I may take the liberty to judge of a tree by its Fruit, I have ſome reaſon to think ſo; becauſe I find by *Coltman*'s Letters, and other Diſcoveries, that a *Toleration* and *Indulgence* ſhould be one of the great *Engines* they intended to uſe for the *eſtabliſhing* of *Popery* in this Nation. But the project thus failing at this time, they were forced to wait with patience until they could have another opportunity; employing in the mean time their diabolical Counſels in weakning the Proteſtant Intereſt (in order to a general deſtruction of it) by *ingaging* us in a War with *Holland*. In which the *French* acted the ſame part in the behalf of the *Dutch*, as they did afterwards in our behalf againſt them, 1672, very fairly looking on both times, while we poor Proteſtants with great fury *deſtroyed* one the other. But this was not ſo ſtrange nor ſo plain as the *dividing* of our *Fleet* under the Command of Prince *Rupert* and General *Monk*, and the deſign of deſtroying them as well as their Ships, and the reſt of our

Navy Royal at *Chattam*. And as they thus acted their part at *Sea*, ſo they did not forget to do their beſt *aſhoar*; in *April* 1666 ſome perſons that were then hanged, fairly confeſt they had been *treated* with, and had *treated* with others, to burn the City of *London* in *September* following, of which Confeſſion we then took as little notice as we have of other Diſcoveries againſt Papiſts ſince; however accordingly in *September*, *thirteen thouſand* Houſes of the City of *London* were burnt. And thoſe that were taken in carrying on that Work, generouſly *diſcharged* without any *Tryal*; and one Papiſt that confeſt, that himſelf and others did ſet the City on fire, was in great haſte hanged, and ſo the buſineſs was *huſht* up, as compleatly as the late great *Plot* is like to be now, branding *Hubert*, that then made that confeſſion, with *Madneſs*; as now theſe laſt Witneſſes with *Perjury*, *Sodomy*, and what not. However theſe buſineſſes were not ſo carried, but his Majeſty diſcerned ſome of the Intrigues of them, which made him alter his Councils, and contrary to the Endeavours of that Party enter into new Alliances, by making up that excellent *League*, uſually called the *Tripple League*. Which put a ſtop to theſe mens Deſigns as to Affairs abroad, but not to their Deſigns here at home. For having obtained the *Oxford* Act, and ſome others againſt the *Diſſenters*, great endeavours were uſed to have them executed ſeverely, in expectation that the *Diſſenters* would ſo be made weary of living *quietly* under them, and in the end be glad of a Toleration; but the *Diſſenters* deceived them, and ſubmitted to the Laws, inſomuch that in

1670

1670 to 1671 there was hardly a Conventicle to be heard of in *England*. And might never have been more, if that Party had not been afraid of a great diſappointment thereby, wherefore to revive our *Diviſions*, and to bring in (as they hoped) their own *Religion*, they imployed all their force again to get a *Toleration*. I ſay they did it, becauſe it cannot be imagin'd it could be from any Proteſtant Intereſt, both Church-men and Diſſenters Publickly declaring their deteſtation of it. And in 1672 it was obtained, Printed, and Publiſhed. After we had, in order to the carrying it on, *broke* that never to be forgotten *Tripple League*, *ſacrificed* our *Honour* to the *French*, not only by making a *ſtrong Alliance* with them, but by *ſeizing* the *Dutch Smyrna* Fleet, and then afterwards proclaiming War with them. Which War was continued in order to ruine us both; for the *French* proved but *lookers* on at *Sea* (as they had done when ingaged with the *Dutch* in 1665.) though great *Conquerours* at *Land*, eſpecially of the *Proteſtants* in *Germany* and *Holland*. And as this *Toleration* was accompanied with theſe great alterations in Affairs abroad, ſo it was backt, 1. With a great *Miniſter* of State at the Helm at home, who was ſo confident of the re-fixing Popery here, that he could not forbear to declare himſelf to be of that Religion, I mean my Lord Treaſurer *Clifford*; as alſo, 2. With a great *Army* at *Black-Heath* ready upon all Occaſions; and, 3. With the greateſt violation on the Property of the Subject, that ever hapned in this Nation, the *ſeizing* of One *Million* and *half*, or thereabout, in the *Exchequer*. All which indeed

made our condition desperate, and as many thought past retrieve. But, Mr. *Speaker*, here again the Goodness and Wisdom of his Majesty saved us, refusing to follow such pernicious Counsels; upon which *Clifford* not only lost his place, but his life too, breaking his heart (as is by most believed) to see himself so disappointed in this great Design. And here as we can never too much *detest* my Lord *Clifford*, and such others, who contrived our ruine, so we can never sufficiently *admire* his Majesties Royal Care in working out our security, by refusing to follow any Advice that tended to those ends. And therefore to the great disappointment of that Party, at the Request of the House of Commons at their next Meeting, He *recalled* the said *Toleration*, *disbanded* the *Army*, and in convenient time *made* a *Peace* with *Holland*. But though this Party were thus defeated of their Design, yet not so discouraged as to give it over. They changed their Measures, but not their Principles, and although they desisted from further *aiming* at a *Toleration*, yet they no ways neglected *pursuing* a *Reformation*, but in order thereto prosecuted a Correspondence formerly begun for that purpose with the *French* King, and by promising him considerable Supplies to carry on the War he was then engaged in, secured themselves as they thought of his assistance for setling of Popery here. Accordingly it is not unknown, what a Party of Men, and what quantity of Amunition and other Necessaries for War, were sent to the *French King*, during the War he was then engaged in, and then it was done contrary to the

advice

advice of the *Parliament*, and the *Solicitations* of moſt of the *Princes* of *Europe*, and true *Intereſt* of *England*, to the aſtoniſhment of all good men; eſpecially becauſe it was *contrary* to his *Majeſties* own *Proclamation*, and when the *French* had *declared* they made that *War* for Religion, endeavouring to force the *Dutch* to *allow* of *Popiſh* Churches. However ſuch was the ſtrength of this Party, that this Aſſiſtance was continued until the *French King* was willing to make a Peace, and then who more inſtrumental than our Miniſters to effect it. Several *Embaſſadors*, and *Plenipotentiaries* too, being ſent as well to the Court of *Spain*, as *Germany* and *Holland* for that purpoſe. And at laſt, the *Dutch* being weary, and conſumed with the War, they were perſwaded to be willing of a Peace, and accordingly the 10*th*. of *January* 1677, entered into a Treaty with us for a general peace to be accompliſhed by ſuch ways and means as are therein preſcribed. Which *League* was kept *private* for ſome time, and inſtead of any Diſcovery thereof, about the end of *February* following (the Parliament being then ſoon after to Aſſemble) a great noiſe was made of *entring* into a war with *France*, it being concluded that nothing like that would incline the Parliament to give money, nor the People freely to part with it, becauſe it was the only way to extinguiſh thoſe fears they lay under, by reaſon of the growing greatneſs of *France*. At the meeting of the Parliament, the Project was ſet on foot with all the art and induſtry imaginable, and ſo far were the major part of the Members perſwaded of the reality thereof,

that they were inclinable to give a great ſum of money for the carrying on of the War; but while they were in Conſultation about it, the *League* formerly mention'd, agreed at the *Hague*, was unluckily made (in ſome meaſure) publick, and occaſion'd a great jealouſie of the reality of the pretended War. And the greater, becauſe upon an inquiry, they could not find there were any Alliances made to that purpoſe. And yet notwithſtanding this, and the great endeavours of ſome worthy Members of that Parliament (now of this,) an Army of thirty thouſand men was raiſed, and a *Tax* of above 1200000 pound was given. And then, inſtead of a *War*, a general *Peace* according to that Treaty agreed with *Holland*, was preſently made. By which that Party thought they had ſecured not only the power of *France*, but the men and money here raiſed at home, to be made ſerviceable for their ends; there wanting nothing but a *Popiſh King* to perfect all theſe Deſigns. For which we have great reaſon to believe they had made all neceſſary preparation, as well by imploying men and money to find out wicked Inſtruments to *take* away the *King's Life*, as by providing one *Claypool* to be a Sacrifice, to make an *attonement* for the Act, and to *caſt* the *wickedneſs* thereof on the *Phanaticks*. To which purpoſe the ſaid *Claypool* was really impriſon'd ſome time before in the *Tower*, upon the Evidence of two *Witneſſes*, that he ſhould ſay, that he and two hundred more had ingaged to kill the King the next time he went to *New-Market*. For which in all probability he had as really been hanged, if the breaking out of the Plot had

had not prevented their designs. Then was *Claypool* the next Term after publickly *cleared* at the King's *Bench-Bar*, the Witnesses appearing no more against him. Thus were we again reduced to a miserable condition, but it pleased God by the Discovery of the Plot by Dr. *Oates* once more to save us; whose Evidence (he being but one Witness) they thought at first to have *out-braved*, but some of them being so infatuated as to *kill Justice Godfrey*, and *Coleman* so unfortunate as to leave some of his *important Papers* in his House, notwithstanding the time he had to convey them away, it wrought so great a fermentation in the People, as that there was no remedy, but that the further pursuit of the Plot must be again laid aside, and a fair face put upon things. And so accordingly there was for a few Months, but how after *Wakeman*'s Tryal things turn'd again, what endeavours have been since used to *ridicule* the *Plot*, to *disparage* the old *Witnesses*, to *discourage new ones*, to *set* up *Presbyterian Plots*, and to *increase* our *Divisions*, I suppose, must be fresh in every Man's memory here, and therefore I shall not offer to trouble you therewith.

But, Sir, I cannot conclude without begging your patience, while I observe how things have been carried on in *Scotland* and *Ireland*, answerable to what was done here.

In *Ireland* the *Papists* are at least *five* to *one* in number for the *Protestants*, and may probably derive from their Cradle an inclination to massacre them again; at least the Protestants have no Security, but by having the Militia Arms, and the command of *Towns* and *Forts* in their hands.

But

But about the ſame time or a little before that the *Tolleration* came out here in 1672, an *Order* went from hence, which after a long Preamble of the Loyalty and affection of the Papiſts to his Majeſty, *required* the *Lord Lieutenant* and Council to *diſpence* with the *Papiſts wearing of Arms*, and *living* in *Corporations*, and a great many other things in their favour; of which they have made ſuch uſe, as that the Plot there was in as good readineſs as that here; but how carried on, and how endeavours were there alſo uſed to ſtifle it, will appear, when your leiſure may permit you to examine thoſe Witneſſes.

In *Scotland*, the Government is quite alter'd, the *uſe* of *Parliaments* in a manner *aboliſhed*, and the *Power* of that *Government lodged* in a *Commiſſioner* and *Council*, a ſtanding *Army* of *Twenty two thouſand* men ſetled, all endeavours uſed to *divide* the *Proteſtant Intereſt*, and to *incourage* the *Papiſts*. By which we may conclude, that the ſame intereſt hath had a great hand in the management of affairs there alſo.

And, Sir, may we not as well believe, that the World was at firſt made of *Atoms*, or by chance, without the help of an Omnipotent hand, as that theſe affairs in this our little World have been thus carried on, ſo many years together, ſo contrary to our true intereſt, without ſome great Original Cauſe, by which the Popiſh intereſt hath ſo far got the aſcendant of the Proteſtant intereſt, that notwithſtanding all his Majeſties endeavours, things have been ſtrangely over-ruled in favour of that Party; how and which way, his Majeſties Declaration made

in

in *April* 1679, is to me a great Manifeſtation.

Sir, I hope the weight of the Matter I have diſcourſt on, will plead my pardon with the Houſe for having troubled you ſo long, I ſubmit what I have ſaid to your judgment, humbly deſiring a favourable conſtruction; and although I have ſaid ſome things that are very ſtrange, and other things grounded only on Conjectures, yet I believe that no man will have juſt reaſon to doubt the probability of the truth, if they will but conſider, what a potent Friend the Papiſts have had of *James Duke of York*; and how *imboldened* by the *hopes* of having him for King. And as it is not to be doubted but that they have had *his* Aſſiſtance, ſo they have had the *French* Ambaſſadors too, who by his *frequency* at the *Palace*, hath ſeemed rather *one of the Family and King's Houſehold*, than *a Foreign Ambaſſador*, and by his egreſs and regreſs to and from his Majeſty, rather a *prime Miniſter of State of this Kingdom* than a *Councellor to another Prince*. And the truth of all hath been ſo confirm'd by *Coleman's Letters*, making the Duke's intereſt, the *French* intereſt, and the Papiſts intereſt, ſo much one, and by the many Witneſſes that have come in about the Plot, that I think we may rather be at a loſs for our Remedy, than in doubt of our Diſeaſe. And therefore though I know the difficulties I may bring my ſelf under, by having thus laid open ſome mens Deſigns, yet ſeeing my King and Country have called me to this Service, I am reſolved that as my *Father loſt* his *Life* for *King Charles the Firſt*, ſo I will not be afraid to *adventure mine* for *King Charles the Second*, and that makes me expoſe my ſelf in his Service in this place. Sir

Sir, I think (ſeeing things are thus) without neglecting our Duty to our King and Country, nay to our God too, we cannot defer endeavouring the ſecuring of the King's Perſon, and Proteſtant Religion, by all lawful means whatſoever; and therefore I ſecond the Motion that was made, That we may in the firſt place take into our Conſideration, how to ſuppreſs *Popery*, and prevent a *Popiſh Succeſſour*; that ſo we may never return again to Superſtition, Idolatry, and Slavery, but may always preſerve that pure Religion, to be the Religion of this Nation, for which ſo many of our Fore-fathers have ſuffer'd Martyrdom, I mean the Proteſtant Religion, as long as the Sun and Moon endures.

Mr. *Speaker*,

Sir *F. W.* Sir, the *Popiſh Party* have not only had a great *influence* on the management of our Affairs, both Foreign and Domeſtick, while they could do it under a *diſguiſe*, but notwithſtanding the diſcovery of their whole Plot, have ever ſince gone on *triumphant*, as if they were not afraid of any oppoſition that can be made againſt them. Although the moſt part of *Doctor Oates* his Diſcovery was no news to moſt Men; and the great Correſpondence which *Coleman* had held with Foreign parts, had been generally obſerved for ſome years; yet what difficulties were there raiſed againſt *believing* of *Oates* his Teſtimony, and againſt *apprehending* of *Coleman's Perſon*, and *ſeizing* of his *Papers*, by which he had opportunity to carry away the moſt part, and by that means prevented a great deal of Evidence, which we ſhould otherwiſe have

have had againſt that Party; though by chance he left enough to hang himſelf. And as their Power, or the Reſpect which was born them, appeared in this; ſo their great Confidence in the never to be forgotten Death of Sir *Edmondbury Godfrey*, which doubtleſs they accompliſhed, as to *conceal Evidence*, ſo to *intimidate Juſtices* and others, from doing their duty, with great aſſurance, that thoſe who did it ſhould never have been brought to Juſtice. And I muſt confeſs, we took a ſtrange unheard of way, either to do that, or prevent the going on of the Plot: For in *October* after the Plot broke out, no leſs than *Fifty ſeven Commiſſions* were diſcover'd for raiſing of Souldiers, granted to *ſeveral Popiſh Recuſants*, with Warrants to Muſter *without taking the Oaths of Allegiance and Supremacy, or Teſt*; Counter-Signed by the then *Secretary of State*. Of which the *Parliament takeing notice*, they were ſoon after *diſſolved* in the midſt of the Examination of the Plot. And the next that was called, though compos'd of true *Engliſh* Gentlemen, as ſoon as they fell ſevere upon Popery, had no better Succeſs; certainly, Sir, not by the prevalency or Advice of any true *Engliſh* Proteſtants; and who then may be preſumed to have given ſuch Advice, I leave to your judgment. Theſe *two* Parliaments being thus Diſſolved, a *third* was Summoned, but was not permitted to ſit, but on the contrary, put off by ſeveral Prorogations. At which the People being diſcontented, their Fears and Jealouſies ariſing from the Papiſts increaſing, from which they knew they could not be effectually ſecured but by a Parliament; ſeveral Counties and Cities

ties joyned in Petitioning his Majesty for a Parliament. But it being foreseen that every thing that tended to make way for the meeting of Parliaments, was dangerous, such was the influence of that Party, as that they obtained a *Proclamation*, penned I think by *Coleman* himself, or by some *body* that had no more love for the Protestant Religion than he, forbidding Petitioning as Seditious and Tumultuous. And that nothing should be wanting to shew their power, at length by the endeavours of some great men, some credulous and ambitious men were drawn in to be *Abhorrers*. Good God! where were these Mens Senses, that in a time when the Nation was in such imminent danger, there should be any good Protestant that should abhor Petitioning for a Parliament? But I hope this House will have a time to speak with those Gentlemen, and Mark them with the Brand they deserve. And now that it may be found that there were a good easie sort of credulous people that might be wrought upon, it was thought high time to *have a Counter Plot*, that might *swallow* up that of the *Papists*, and restore them to their former Credit. How far this was carried on by good men and bad, I am loath to particularise; but I cannot but observe, that *Dangerfield* had more Money and Encouragement given him while he was carrying on of that Plot, than I could ever hear he hath had since the discovery of it. But though it be not strange, that the Papists should be so wicked, as to contrive such a design, for the casting of the Plot upon the Protestants, though with the loss of so many honest mens lives, as was intended; yet it is strange to see how willing *many*

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Proteſtants, eſpecially of thoſe who have reaſon to think themſelves of the beſt ſort, were to believe it, and how little pleaſed with *Dangerfield*, for the great ſervice he did in diſcovering that wicked Plot. So powerful and ſo lucky are the Popiſh Party, in infuſing of animoſities amongſt us, tending to divide us, and ſo willing are we to entertain them to our deſtruction. And as the Popiſh Party have been very induſtrious in the contriving of Reports and Plots to remove the ill Reports they lie under, and have had a great influence in *managing of Parliamentary Affairs*, ſo we may preſume they have of late had in the *diſpenſing of Juſtice*, as may appear by conſidering what hath been done by our Judges of late.

At *Wakeman's* Tryal, thoſe Perſons who at former Tryals had been *treated* with that reſpect that is due to the *King's Evidence*, and whoſe Credit *and Reputation* had ſtood *clear* without exception in all other Tryals, were now not only *browbeaten*, but their *Evidence* repreſented to the Jury, as doubtful, and not to be *depended* on, and ſo at all other Tryals of Papiſts from that time forward. By which many of the greateſt Offenders were quitted and cleared as to the Plot, and thoſe that were brought for defaming the King's Evidence, and ſuborning Witneſſes, in order thereto, very kindly treated, and diſcharged with eaſie Sentences, eſpecially if Papiſts; but if Proteſtants, though only for Printing or Vending ſome Unlicenſed Book, were impriſon'd and largely fined. But I beg leave to particulariſe in the caſe of one *Care*, who was indicted for Printing a weekly Intelligence, called, *The Packet of Advice from Rome, or, The Hiſtory of Popery.* This

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man had a ſtrange knack of writing extraordinary well upon that Subject, and the Paper was by moſt Perſons thought not only very ingenious, but alſo very uſeful at this time for the information of the people, becauſe it laid open very intelligibly, the Errours and Cheats of that Church. However upon an Information given to the *Court of Kings-Bench* againſt this *Care*, this *Rule* was made,

Ordinatum eſt, quod liber intitulat, The weekly, &c. *non ulterius imprimatur, vel publicetur per aliquam perſonam quamcunque. Per Cur.*

I think it amounts to little leſs than a total prohibition of Printing any thing againſt Popery.

The true *Engliſh Proteſtants* being thus prevented of having Parliaments to redreſs their grievances, and ſecure them againſt the fears of Popery, as alſo of Petitioning for Parliaments, or writing for the Proteſtant Religion, they had recourſe to their old way of preſenting Grievances by Juries. But advice being given that ſome *great Papiſts* were concern'd in the Preſentment, particularly the *Duke of York*, the *Jury* was diſmiſt in an extrajudicial manner, and ſo no remedy in the world allowed for poor Proteſtants What an Unhappy Star were we born under, that things ſhould be thus carried againſt us, in the whole courſe of our Government, whilſt we have a wiſe Proteſtant King over us? What may not be expected under a Popiſh King, if it ſhould be our misfortune to have any? And therefore

I think, Sir, we ought to endeavour to prevent it, by conſulting in the firſt place how to ſuppreſs Popery, and prevent a Popiſh Succeſſor, which is my humble Motion.

Mr. *Speaker*,

R. M. Sir, you have heard what an influence the Popiſh Party hath had in the management of all our Affairs of greateſt importance, almoſt ever ſince his Majeſties happy Reſtauration, how the making of Peace, or War, and foreign Alliances, hath been overruled by that Party, to the great danger of the Nation, and Proteſtant Religion both at home and abroad. Inſomuch as it may be juſtly feared, that there is a general deſign to root out that Religion from the face of the Earth, which may not be difficult to be done, if by eſtabliſhing Popery here, aſſiſtance to the Proteſtants abroad may be prevented, or by deſtroying the Proteſtants abroad (which are ſo many bulwarks to us) we ſhould be left to reſiſt alone. You have alſo heard how that Party hath influenced the Reſolutions made touching Parliaments and Affairs here at home. The truth is, Sir, that Intereſt is *crept* into our *Court*, and hath a *great power* in our *Councils*, it is *crept* into our *Courts* of *Juſtice*, and *hath* a great *Command* in our *Army*, our *Navy*, our *Forts*, and our *Caſtles*, and into all places upon which our ſecurity depends. And it is impoſſible it ſhould be otherwiſe, as long as we have a *Popiſh Succeſſor*, and that *party* the *hopes* of a *Popiſh King*. And I humbly conceive, that it is very obvious, that as long as that Party hath ſuch a power, not only our Religion, but the life of his Majeſty and the whole Government is in danger. And therefore I

I think we cannot better comply with our duty to our King and Country, than in resolving to use our utmost endeavours to extirpate Popery, and prevent a Popish Successor, and therefore I would desire you would be pleased to put the Question.

Resolved, *That it is the Opinion of this House, that they ought in the first place to proceed effectually to Suppress Popery, and prevent a Popish Successor.*

The 27th of *October*. 1680.

Mr. *Speaker*,

H. A. SIR, yesterday you made a Resolve, Declaring what you intended to do in reference to Popery, by which you may conclude you have made many enemies at *Court*, or of such as usually frequent it. And it may justly be expected, that they will rather use their endeavours to *destroy you* than permit you to *destroy them*. And if we may take our measures from the Power they have discovered, in the dissolution of the last Parliaments, and many Prorogations of this, in a time when there was never more need for the *Sitting of Parliaments*, because of the great danger that did arise from that party, we may conclude, it may be possible for them to do the like again. Therefore that we may not be wanting in doing what we can, in order to create in his Majesty a good Opinion of this House, let us make an humble Address to his Majesty, to assure him of our Loy-

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alty, and readineſs to ſtand by him with our lives and fortunes. And that when his Majeſty ſhall be pleaſed to grant us ſuch Bills, as are abſolutely neceſſary for the ſecurity of the Proteſtant Religion, we will be ready to ſupply him with what Money his occaſions may require, for the ſupport of his Government, and the Proteſtant Religion both at home and abroad.

Sir, I do not move this without ſome reaſon, I am jealous that thoſe which are for the Popiſh Intereſt, do endeavour to repreſent this *Parliament* to his Majeſty Phanatical and Seditious, that we will do nothing but arraign his Government, wound his Miniſters, deſtroy his Brother, and endanger his Royal Perſon, and that no ſupplies can be expected from us. Which falſe ſuggeſtions of that wicked Party, we may do well to prevent. And therefore, I humbly move you, that a Committee may be appointed to draw up ſome ſuch Addreſs, upon the debate of the Houſe.

To which ſeveral perſons made Oppoſition, alledging that in the late *long Parliament*, they had often been drawn in, to give Money by ſuch Addreſſes, and that in that Parliament no ſuch Addreſſes was ever made but it ended in Money, becauſe the word of a *Houſe of Commons* pledged to the *King*, is alway to be underſtood, as may beſt preſerve the reputation of the Houſe, which ought to be kept inviolable.

It was anſwered, That it was not ſtrange that it was ſo in the *long Parliament*, being compoſed of ſo many *Penſioners*, who were to have a ſhare of what they gave, but the caſe

being now altered, and the Parliament composed of Persons that disdained such Wicked practices, and the House being Masters of their own Votes, there could be no danger of making such an Address in that House.

Resolved, *That an Address be made to his Majesty, declaring the Resolution of this House, to preserve and support the King's Person and Government, and the Protestant Religion at home and abroad.*

Mr. *Speaker*,

Sir *G. G.* I crave leave to mind you of a great Infringment which hath been made of the Liberty of the Subject, since the last Session of Parliament. Sir, many good Protestants thinking it very strange, that *two Parliaments* should be Dissolved, without doing any thing material against Popery, and a third so often Prorogued in a time of such imminent danger; and foreseeing the Ruine such delays might bring upon them, Resolved to Petition his Majesty, and accordingly in several Counties and Corporations, Petitions, humbly praying his Majesty *to let the Parliament Sit*, were drawn up, and Signed by many Thousands of his Majesties good Subjects, in a peaceable and quiet way, and delivered to his Majesty by no greater number of Persons than is allowed. But although this was conformable to Law, and the duty of good Subjects, considering what danger his Majesties Person and the Protestant Religion was in, yet it was traduced to his Majesty as Seditious and Tumultuous, and *forbidden by a Proclamation*, and great affronts and discouragements given to such, as either promoted or delivered the said Petitions,

Petitions, and at laſt ſeveral Perſons in many places were ſet up to declare at the Aſſizes, and other publick places, an Abhorrency and Deteſtation of ſuch Petitioning.

Sir, I humbly conceive the Subjects of *England* have an undoubted right to Petition his Majeſty *for the Sitting of Parliaments*, and redreſſing of Griveances; and that conſidering the Circumſtances we are under, we have no reaſon to loſe it. If it ſhould be our unhappineſs to have *a Popiſh King*, may he not be ſurrounded with *Popiſh Councellors*, ſo as that poor Proteſtant Subjects may be debarred of all other ways whatſoever of making known our Complaints to him, and muſt we loſe this too? Sir, I think it ſo neceſſary, and material a Priviledge of the Subject, as that we ought without loſs of time to aſſert our Rights to it, and therefore I humbly move you to make ſome Vote to that purpoſe.

Mr. Speaker,

Sir *F. W.* Sir, I am not only of opinion with that worthy Member that ſpoke laſt, as to making a Vote for aſſerting the Right of the Subject to Petition their Prince, but alſo for chaſtiſing of thoſe who have been ſo wicked and abominable, as to traduce it and abhor it. And to that purpoſe, I think, Sir, it will be convenient that we find out who adviſed or drew that Proclamation againſt it, and examin how a Petition that was made in *Berk-ſhire*, was order'd *to be taken off the File at a quarter Seſſions*, if worthy to be ſo called, there being but four Juſtices of the Peace, and two of them ſuch obſcure Perſons as I cannot get their Names. And al-

ſo make ſome inſpection into thoſe *Addreſſes* that have been made againſt *Petitioning*, and by whom contrived, ſigned, or delivered. But this muſt be a work of time; for the preſent I humbly move you to paſs one Vote to aſſert the right of the Subject to Petition the King, another of Cenſure on thoſe perſons that have traduced it, and to appoint a Commitee for your further proceeding herein.

Reſolved, *That it is, and ever hath been the undoubted Right of the Subjects of* England, *to Petition the King, for the calling and ſitting of Parliaments, and redreſſing of Grievances.*

Reſolved, *That to traduce ſuch Petitioning as a Violation of Duty, and to repreſent it to his Majeſty as Tumultuous or Seditious, is to betray the Liberty of the Subject, and contributes to the Deſign of Subverting the ancient Legal Conſtitution of this Kingdom, and introducing Arbitrary Power.*

Reſolved, *That a Committee be appointed to enquire after all ſuch Perſons that have offended againſt the Right of the Subject.*

Mr. *Speaker*,

S. T. Sir, I am very glad theſe Votes have paſt ſo Unanimouſly, for *Popery* and *Arbitrary Government*, can never be ſet up in this Nation, if we could be ſure of *frequent Parliaments*. And therefore the aſſerting of the Right of the Subject in any thing which tends to that, may be of great uſe to this Nation. But, Sir, ſeeing you have taken this buſineſs into your conſideration, I think, we may do well to go a little

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tle further with it even at this time. I am informed some Members of the House are Guilty of having acted contrary to these Votes, and I am of opinion, that as *they were not willing* that we *should sit here*, so that we should be as *willing not to have them sit amongst us*. For if it were a great crime in others, much more in those that were chosen to assert the Rights and Liberties of the People. It is very unlikely, that Men of such Principles, should make good Parliament-Men, and I think it will very well consist with the Justice of the House to begin with a Reformation amongst our selves, and therefore I humbly move we may first proceed against such.

Being commanded to name such Members, he named Sir *Francis Wisbins*, who not being in the House, was order'd to attend the next day. Where, after he was heard in his place, was order'd to withdraw, and *Censured to receive the Sentence of the House upon his Knees, and to be expell'd the House.*

The Second of *November.*

SIR *Francis Winnington* made a Report of what was found in the Lords Journal relating to the horrid Popish Plot.

Mr. *Treby* reports what by order of the secret Committee he reported to the last Parliament, relating to the Popish Plot.

After some Debates thereupon,

Resolved, *That the Duke of* York's *being a Papist, and the hopes of his coming such to the Crown, hath given the greatest countenance and incouragement to the present Designs and Conspiracies against the King, and Protestant Religion.*

Resolved, *That in defence of the King's Person and Government, and Protestant Religion, this House doth declare that they will stand by his Majesty with their Lives and Fortunes, and that if his Majesty should come to any violent Death, which God forbid, they will revenge it to the utmost on the Papists.*

Mr. *Speaker*,

S. T. Sir, I have observed from the Reports that have been read, and all the Evidence that I have heard about the Popish Plot, that it hath its *Original*, as you have Voted, from *James Duke of York*, and it is not probable in my opinion, that the *Popish Interest* can ever *decline*, as long as there is a *Popish Successour*, and they have such hopes of his coming to the Crown; and therefore I humbly intreat you that a Committee be appointed to *draw up a Bill* to *disable* James *Duke of* York, *from Inheriting the Imperial Crown of this Realm.*

Ld. *R.* Sir, If we consider the *train of ill Consequences*, that *attend* the having of a *Popish Successour*, and the *certain miseries* that must fall on this Nation, if ever we should have a *Popish King*; and how impossible the one, or improbable that the other can be prevented, but by *disinheriting the Duke of* York: I think that as we

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cannot disagree, as to the sadness of our condition, so it will be hard to find out any other way to secure us; and therefore I second the motion that was made by that worthy Member, that a Comittee be appointed to bring in *a Bill to disinherit* James *Duke of* York.

Mr. *Speaker*,

W. H. Sir, I think we shall do ill to be mealmouthed, when our throats are in such danger; therefore I will not be afraid to speak out, when speaking plain English is necessary to save our King and Country. Have we not heard, and is it not apparently true; that Peace, and War, Foreign Alliances, Meetings, Dissolutions, and Prorogations of Parliaments, Tryals at *Westminster-Hall*, Resolutions in Council, and other things of importance, have been influenced by a Popish Party, or Interest; and can we, Sir, imagin that these great things should be done by a less man, *than James Duke of* York? Hath not the examination of the Plot, in which the King's Life and all our safeties is so much concern'd, been kept off to admiration, and the Witnesses discouraged even to despair? Have not Counter-Plots been set up, and carried on with a strong hand, and false Witnesses in abundance to destroy the true ones? From what Cause can such strange unheard of Effects proceed; but from the Power and influence of a *Popish Successour*? And we have no great reason to admire at it, if we consider how usual it is for *Polititians*, to be given to flattery, and to be led by ambition, and how natural it is for Courtiers and great Ministers of State to worship the rising Sun. And, Sir, is it not easie to foresee

foreſee, what great miſeries may come to this Kingdom by ſuch kind of managements; can any man imagin, that as long as *there is a Popiſh Succeſſour*, there *will not be a Popiſh Intereſt*, and that by his aſſiſtance it ſhall not be ſtrong enough to conteſt with the Proteſtant Intereſt. Or rather have we not ſeen it for many years already; and how can it be otherways, as long as no Office ſmall or great is diſpoſed of without his approbation; no, not ſo much as *preferment in our Proteſtant Church*. And I think *unleſs you can deſtroy that in which the Intereſt centers*, you *will never deſtroy the Intereſt it ſelf*.

Sir, I have no ill will for the *Duke's* Perſon, but rather a great veneration as he is deſcended from our paſt, and as Brother to our preſent King. But I think it ought not to ſtand in competition with my Duty to my King and Country; which can never be ſafe as long as this Intereſt is ſo predominate. And I think there is no other way to ſuppreſs it, but by going to the roots firſt; and therefore I agree in the Motion that hath been made for appointing a Committee to bring in *a Bill to diſinherit* James *Duke of* York.

Mr. *Speaker*,

W. G. Sir, I agree with thoſe worthy Members, that have ſpoke to this preſent buſineſs, that Popery hath for a long time had a great Influence in the management of our Affairs; and that the Proteſtant Religion and Government of the Nation, is much in danger thereby. But I hope that the prudence of this Houſe may find out ſome Expedient to ſecure the Nation, more likely to be brought to perfection, than this of the Excluſion Bill. We all know, that

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his Majesty in his Speech at the opening of the Session, and formerly hath declared, that he will consent to any thing you shall offer for the security of the Protestant Religion; provided it consist with preserving the Succession in the due Legal course of Descent. As his Majesty is Gracious to us, so I know, we are all willing to carry our selves with all respects and duty to him; he offers you to consent to all other ways you can propose, but seems resolved not to consent to this way you are now upon. For my part, Sir, I am more afraid of an Army without a General, than of a General without an Army; and therefore, I think, that if, instead of ordering a Committee to bring in a Bill for disinheriting of the Duke, you bring in a Bill for banishing all the Papists out of this Nation, and other Bills for having of frequent Parliaments, and to secure good Judges, and Justices, that so the Laws you have already, as well as what more you may make, may be duly executed, it may do as well, and be more likely to have good success. And therefore I would humbly move you, that we may try these other ways, and not offer to put this hardship upon his Majesty, seeing he hath declared against this Bill, lest by displeasing his Majesty, we should interrupt all other Affairs, which at this time may be very unfortunate to this Nation, and our Neighbours too. The Eyes of Christendom are upon the Success of this Meeting, and the Peace, Quietness, and Honour of the Nation much depends thereon; and therefore, if the going on with this Bill should occasion a Breach (which

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for ſeveral reaſons I am much afraid of) it may prove one of the greateſt misfortunes that could befall us. Sir, moderation in all things, will always become this Houſe, but eſpecially in a buſineſs of ſo high a Nature. The Duke hath not yet been either heard or found Guilty, how can we then anſwer the paſſing of ſo ſevere a Sentence; we ought to be very careful in a buſineſs of this Nature, that we do nothing but that we may be able to anſwer to the whole World. And therefore, Sir, I think that ſeeing his Majeſty hath declared, that he will not agree with us in this Bill, and other Bills may be as effectual; I would humbly move you to think of ſome other way, and for that purpoſe to appoint a day to have it debated in a Committee of the whole Houſe.

Mr. Speaker,

Sir *H. C.* Sir, I cannot agree with that worthy Member that ſpoke laſt, and yet I have formerly given ſome proof that I have been for Moderation, and (God willing) ſhall always be for it, when it may do good. In the two laſt Parliaments I did ſo argue for moderation, that many of my Friends told me that I had deſerted the true Intereſt of my King and Country; but as the Loyalty which I pretend to derive from my Birth, made me ſlight ſuch ſurmiſes, ſo it ſhall always preponderate with me in all my Actions. Sir, I am of opinion that this is a caſe, in which there is no room for moderation, if by moderation be meant the making of any other Law for the Security of our Religion. Becauſe according to the beſt judgment I can make upon a full conſideration of

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the matter, all other Bills that can be deſired, without this Bill, will not prove effectual; but will *leave us in that unhappy condition, of conteſting with the influence of a Popiſh Succeſſor during this King's life, and with the Power of a Popiſh King hereafter.* Of what danger this may be to his Majeſties Perſon at preſent, and the Proteſtant Religion for the future, I leave to every one to judge. It hath been ſaid, that take away the Army, and you need not fear the General; but I ſay, that a General that hath the Power of a King, will never want an Army. And our condition is ſo bad, that I am afraid we ſhall not be ſafe, without being free of the General and Army too; which I think, Sir, as the caſe ſtands, we ought in prudence to do, or elſe I am afraid, we ſhall give but a bad account to our Country, of having done any thing to the purpoſe for the ſecuring of our Religion. And therefore I am of opinion, you are under a neceſſity of having this Bill brought in.

Mr. *Speaker*,

S. T. Sir, I obſerve that the Arguments that have been offer'd againſt the bringing in of this Bill, are grounded on his Majeſties Speech, and on a ſuppoſition that other Bills may be as ſufficient for our ſecurity, and more facilly obtained, ſeeing his Majeſty hath ſo often declared that he will not conſent to altering the Succeſſion from its Legal courſe of Deſcent. Sir, the King calleth his Parliament to give him advice, and they cannot therein be reſtrain'd, but may give any advice which they think may be neceſſary for the ſecurity of his Perſon and Government. And it hath oftentimes hapned

that

that Parliaments before now have many times offer'd such advice to the Kings of this Nation as have not been grateful to them at first, and yet after mature deliberation, hath been well resented, and found absolutely necessary. When *Clifford*, or who else it was, had perswaded his Majesty to grant a Toleration in 1672. and to tell the Parliament in his Speech then made to them, that he would stand by it, and make it good, yet that House of Commons finding it of dangerous Consequence, and humbly offering such their advice to his Majesty, he was pleased notwithstanding the said Speech, to cancel the said Toleration. And if he had not, (as we are in a bad case now) so we might have been in a worse then. For ought I know, if that House of Commons had been so great Courtiers, as not to have concerned themselves in that Toleration because of his Majesties Speech, the Nation might have been ruin'd by Papists before this. And I think, we are now under as great danger, and I hope, we shall not be less couragious, nor true hearted. If a Man were sick of a Plurisie, and nothing could save his Life but Bleeding, would it not be strange if his Physician, after having pretended that he is hearty for his cure, should allow him all other Remedies but Bleeding. Nothing like this can be presumed of his Majesty, of whose Wisdom and Goodness we have had so great Experience. And as to the second Branch of the Supposition, that other Laws may secure us as well, I have not heard any Arguments offer'd to make it good, and I must confess, I cannot apprehend there can be any. I am sure the Expe-

rience

rience of former times, ſhews us the contrary. It is plain from them, that *Popiſh Princes have not thought themſelves bound by any Laws againſt the intereſt of that Church, and our forefathers have found to their ſorrow, that the Strength of our Laws were not ſufficient to defend them againſt Popiſh Tyrannies.* For no Prince of that Religion, ever yet thought himſelf bound to keep faith with Hereticks. After *Queen Mary* had ſeriouſly *Pledged her Royal Word* to the *Suffolk* men, to allow them their Religion, by which they became the greateſt inſtruments of *putting the Crown on her head*, did ſhe not in return put *the Crown of Martyrdom on theirs.* All other Laws that you can propoſe in this Caſe muſt be grounded on ſome truſt or fidelity that muſt be repoſed in that party, for which no Argument can be given, *but that they never kept any Faith with Hereticks, and therefore that we may do well to try what they will do.* This I might prove by a ſad melancholly account of the Maſſacres at *Piedmont*, *Paris*, and *Ireland*, but I ſuppoſe the Hiſtory of them is well known to every one here, and therefore I will not trouble you therewith.

We are adviſed to be moderate, and I think we ought to be ſo, but I do not take moderation, to be a prudent Virtue in all caſes that may happen. If I were fighting to ſave my Life, and the lives of my Wife and Children, ſhould I do it moderately? If I were riding on a Road to ſave my Throat from Thieves, and I ſhould be adviſed to ride moderately leſt I ſpoil'd my Horſe, would not ſuch advice ſeem ſtrange at ſuch a time? and ſo certainly would it be, if I

were

were in a Ship (which may well be compared to a Common-wealth,) and it were sinking, would not the advice to pump moderately for fear of a Feaver seem strange? But, Sir, I admire, seeing moderation is so much talked of, of late, and so much recommended, *Why there cannot be other Objects found out, on whom to place it, as well as on the Papists. I know not why it should not be as agreeable to Christian Charity, and more for the Protestant Interest at this time, because it may tend to Union, to place it on the Protestant Dissenters, seeing we agree with most of them in points of Faith, and only differ about a few Ceremonies.* The moderatest and meekest man that ever was, seeing an *Egyptian* strugling with an *Israelite*, he *Slew* the *Egyptian*, but at another time seeing an *Israelite* strugling with an *Israelite*, it is recorded in holy Writ, he *parted them*, saying they were Brethren. Of late many are at work to perswade us, that the Church hath no Weapons *but prayers and tears, this is a notion come up amongst us since the breaking up of the Plot, and as far as I can observe, is only to hold good against Popery, for against Protestant Dissenters we have always had and can still find other Weapons.* Sir, I will not trouble you farther, but conclude with my Motion for bringing in of the Bill.

H. made a Speech reflecting on the *Duke* and Lord *Clarendon* for making up the Match for the King, as if they did it because they foresaw that the Queen would have no Children, and particularly on the *Duke* for the loss of my Lord *Sandwich*, for clearing of persons taken in the fire of *London*, the death of Sir *Edmondbury Godfry*, &c.

Mr.

Mr. *Speaker*,

L. H. Sir, I am ſorry to ſee a matter of ſo great importance, managed in this Houſe with ſo much bitterneſs on the one hand, and with ſo much jeſting and mirth on the other; I think it a ſerious thing we are about, and that more Gravity would very well become not only this Houſe, but the Subject of the Debate alſo. It is to me very unpleaſant to hear a Prince that hath ſo well deſerved of this Nation, by Fighting our Battels, and ſo often appearing for us in War, ſo upbraided. I am apt to think he was far from being of opinion the Queen would have no Children, and that he ſcorned any of thoſe other Actions that have been laid to his Charge, and therefore to hear ſuch things ſaid is a great provocation. But being I know where I am, I will lay my Hand upon my Mouth. But I hope you will pardon me, if to comply with the obligation of Nature, I declare my ſelf much concern'd to ſee the aſhes of my dear Father thus raked out of the Duſt, and to hear his Memory blaſted by an Affirmation which cannot be proved. Becauſe I am confident he was not Guilty. He and his Family ſuffer'd enough by his misfortunes, occaſion'd by dark Intereſts and Intrigues of State. Many think he was ſeverely chaſtiſed while living; I am ſorry to ſee that ſome others cannot ſpare him though dead. But for my comfort, I have heard that he was a good Proteſtant, a good Chancellor, and that we have had worſe Miniſters of State ſince. But I will not trouble you further, but apply my ſelf to the Buſineſs under Debate. Sir, I am of opinion that the bringing in of this Bill will be

a great hindrance to the buſineſs of the Nation, and not attain your end. And alſo I am concern'd for the Juſtice of the Houſe, for though the Duke deſerve great mortifications, becauſe he hath given ſo great a ſuſpition of his being inclined to that Religion, and I believe doth not expect to come now to the Crown, on ſuch Terms as formerly, but with ſuch limitations as may ſecure the Proteſtant Religion; yet I think it very hard for this Houſe, to offer at ſo great a Condemnation without hearing the Perſon concern'd, or having had any preceeding Proceſs. For my own part, I make it a great queſtion, whether it would be binding to him, or a great many other Loyal Perſons of this Nation, and if not, it may occaſion hereafter a Civil War. And without any juſt fear, or cauſe; for the King may very well out-live the Duke, and then all that we are about, would be unneceſſary; and why ſhould we, to prevent that which may never happen, attempt to do that, which we can never anſwer, either to our King or Country. I cannot apprehend that our caſe is ſo deſperate, but that we may ſecure our ſelves ſome other way, without overturning Foundations. I cannot fear a General without an Army. By ridding our ſelves of all other Papiſts we may be ſafe, making ſuch other Laws to bind the Duke as may be neceſſary by the Name of *James* Duke of *York*; which, & the ſmall Revenues which belong to the Crown, without the aſſiſtance of Parliaments, with ſuch other Laws as may be contrived, I humbly conceive may be ſufficient for our ſecurity, and therefore it ought to be conſidered in a Committee

of

of the whole House, that such as are for these Expedients, may have more freedom of debate.

Mr. *Speaker*,

S. T. Sir, I must beg your leave to speak again, according to the orders of the House, being reflected on. I can assure you, Sir, that what I have said upon this Subject, is so far from proceeding from a merry jolly humour, that it is rather from as great sorrow as ever my heart endured, being very sensible what dangers we have undergone, and what miseries we may hereafter suffer by means of the Duke's being of this Religion. I hope, Sir, that offences that proceed from Natural Infirmities, will always find a favourable construction in this House. If that Honourable Member that spoke last, had but considered that all men have not that good fortune to be born with such a grave, majestick, sober aspect, as that, let them say what they will, it looks serious and weighty, he would not have been offended at my Discourse; but, Sir, for the satisfaction of the House that I am not in jest in this Business, I do declare that I should be very sorry to be thus jested with my self.

Mr. *Speaker*,

Sir *L. J.* Sir, the question that ariseth from this Debate, is whether we had best proceed by an Extremity, or by Expedients. For I look on this Bill to be of the highest Nature that ever was proposed in a House of Commons, and the greatest Extremity imaginable, which I humbly conceive we ought not proceed to, until we have made some Tryal of Expedients, which will be very useful. For it will give a

great ſatisfaction, not only to his Majeſty but to all other Perſons in general that are againſt this Bill, by which the World will ſee that we were very cautious, how we offer'd at ſuch an extremity, and that we did not do it until we had found all other ways and means whatſoever inſufficient. I muſt confeſs, Sir, I think ſuch a Bill would be againſt Law and Conſcience, and that nothing leſs than an Army will be neceſſary to ſupport it, and therefore I humbly move you, that we may debate this buſineſs in a Committee.

Mr. *Speaker*,

B. Sir, I admire to hear that Honourable Member make a doubt as to the *Legallity* of this Bill; certainly, Sir, our Legiſlative Power is unbounded, and we may offer to the Lords and ſo to his Majeſty, what Bills we think good. And it can as little be doubted, that *the Legiſlative Power of the Nation, King, Lords, and Commons, ſhould Want a Law to make Laws; or that any Laws ſhould be againſt what Laws they make.* Otherways they cannot be Legally oppoſed. And as I think it cannot be againſt Law, ſo neither *againſt Conſcience*, unleſs *it could be made out that we ought in Conſcience to bring in Popery.* I ſhould be very glad to hear any arguments to make good what hath been offer'd about Expedients, but I am afraid when they come to be examin'd to the bottom, they will be found very inſufficient, and that we may as well think of *catching a Lyon with a Mouſe-trap*, as *to ſecure our ſelves againſt Popery by any Laws without the Excluſion Bill.* Have we not to do with a ſort of people, that cannot be bound by any Law

or

or Contract whatſoever? much leſs can their words or promiſes be depended on; are they not under all the Obligations that can be offer'd from the Temptations of this life, as of that to come, not to keep Faith with Hereticks, but to break it when it may tend to the promoting of the Catholick Cauſe? And if Laws cannot bind other Perſons, much leſs will it Princes that are of the Catholick Religion? Did they ever keep any League or Contract that was made with Proteſtants, longer than was neceſſary in order to cut their Throats? What uſe did the Papiſts make in *Ireland* of the Favours granted them by King *Charles* the Firſt, did they not make uſe of it to the Deſtruction of the Proteſtants, by riſing up in Rebellion and Maſſacring 100000. Sir, I ſee things go hard againſt Popery, I know not what to ſay to it, but I am afraid that if we ſhould be ſo infatuated, as to let it creep on more and more upon us, and at laſt let it *aſcend the Throne again, that we ſhall ſoon have the ſame miſerable fortune our forefathers had in Queen* Mary's *Days*; *and be burnt in* Smith-field *for our indiſcretion.*

Sir, we are upon a buſineſs of as great importance as ever was debated within theſe Walls, for either we muſt ſuppreſs Popery, or be ſuppreſt by it. For although that Intereſt do not look ſo big, as that of the Proteſtants, yet I plainly ſee that it hath wrought like a Mole under ground for a long time, and that it hath eaten into our Bowels, and will ſoon come to the vital Parts of the Proteſtant Religion, and doſtroy it too, if great care be not taken,

and that ſpeedily. I hear ſome ſay, that our cares are needleſs at this time, becauſe the King may out-live the Duke, which is as much as to ſay, there is no need of Laws againſt Popery, until we ſee whether we ſhall have occaſion to make uſe of them or no. But they do not tell us, how we ſhould be ſure then to obtain them. I muſt confeſs, ſuch arguments are ſo far from weighing with me, as that they increaſe my fears, becauſe it diſcovers a ſtrange eaſie, careleſs, indifferent humour amongſt us Proteſtants. Muſt our Lives, Liberties, and Religion depend upon may-bees? I hope it is not come to that yet, I am ſure, it will not conſiſt with the Prudence of this Aſſembly to leave it ſo, but rather to endeavour to ſettle this matter upon ſuch a Foundation, as may (with as much probability as humane things are capable of) ſecure us. I am of opinion that ſuch an Engine may be contrived as ſhould give ſuch a whirle to the Popiſh Intereſt, as that it ſhould never riſe up againſt us again, I know of no diffiiculty but the ſame which hapned to *Archimedes*, where to fix it. And I am not altogether at a loſs for that neither, for ſo long as we have a good King, I will not deſpair. And, Sir, I cannot fear any of thoſe things that are objected againſt this Bill, that it is againſt Law, and therefore will occaſion a Civil War; *for my part, I will never fear a Civil War in favour of Idolatry, eſpecially when we have gotten a Law on our ſide to defend our Religion.* Therefore I move you that the Bill may be brought in.

Mr. *Speaker*,

Sir *T.P.* Sir, I have read in Scripture of *one man dying*

dying for a Nation, but *never of three Nations dying for one man*; which is like to be our caſe. There hath been already ſo much ſaid on this matter, and the reaſons that have been given for the bringing in of the Bill are ſo plain, that I ſhould not have troubled you to have ſaid any thing about it, but that I knew not how to have anſwered it to that great City for which I ſerve, not to have appeared in this buſineſs, in which the Proteſtant Religion is ſo much concern'd. But, Sir, being I am up, I will beg leave to acquaint you, that I have been lately in company with a great many Perſons, where I have heard the *Duke cryed up*, and *the King ſo ſlighted*, that I muſt confeſs they made me afraid, they had thoughts of acting over here what was lately done in *Portugal*. Believe it, Sir, many are very induſtrious to make an Intereſt for the Duke; if we ſhould not uſe our endeavours to keep up the King's Intereſt, and that of the Proteſtant Religion, I am afraid they will be incouraged to embroile us in blood before we are aware of it. I have no patience to think of ſitting ſtill, while my Throat is a cutting, and therefore I pray, Sir, let us endeavour to have Laws that may enable us to defend our ſelves. And I know not, how we can have any that are like to prove effectual, without this for excluding *James* Duke of *York*; and therefore I humbly move it may be brought in.

Mr. *Speaker*,

E. S. Sir, I have by many years experience obſerved, that it is very agreeable to the Cuſtom, Prudence, and Juſtice of this Houſe, to debate all things very well before a queſtion is

put, but especially of great importance. It hath formerly been thought a great thing, and hard to be born by some Princes, that any thing relating to the Prerogative of the Crown, should be debated any where but in their Privy Council, and I have observed that former Parliaments have done it with a great deal of tenderness. And if so, well may a Bill that tends to the alteration of the Succession pretend to the right of having a full and fair Debate, which I hope, this Solemn Assembly will not deny; Many being to take their Resolutions from it in as great a point as ever was debated in a House of Commons, for which we shall be answerable to our own Consciences, as well as to our King and Country. It is these great Considerations make me trouble you at this time, otherwise I might happily have been silent, because I am one of those that have been shot at by Wind-Guns, which have prejudiced my Reputation, and therefore until I should have had an opportunity to vindicate my self, and to shew that I am an Enemy both to Popery and Arbitrary Government; I was more inclined to have been silent, and should not have troubled you, if the Nature of this Business had not laid on me a more than ordinary Compulsion. I do not doubt but every one that Sits here, is willing to take notice of what Arguments may be offer'd *pro* or *con*, it being the only way to pass a Right Judgment in this matter, which is very necessary, because what Resolution you may take upon this Debate, will be examin'd not only within his Majesties Dominions, but by most Princes and Polititians in *Europe*. And therefore

that

that you ground your Reſolution on ſuch ſolid Reaſon, that may endure the Teſt of a Plenary Examination, will be very neceſſary for the ſecuring the Credit of this Houſe, of which I know you are very tender.

Sir, I muſt confeſs I am very much againſt the bringing in of this Bill, for I think it a very unfortunate thing, that whereas his Majeſty hath prohibited but one thing only, that we ſhould ſo ſoon fall upon it. I do not ſee there is any cauſe, why we ſhould fear Popery ſo much, as to make us run into ſuch an extream. We are aſſured there can be no danger during his Majeſties Life, ſo upon an impartial examination, we ſhall find there can be no great reaſon to fear it after his Death, though the Duke ſhould out-live and ſucceed him, and be of that Religion. Have we not had great experience of his love for this Nation, hath he not always ſquared his actions by the exacteſt rules of Juſtice and Moderation? Is there not a poſſibility of being of the Church, and not of the Court of *Rome*? hath he not bred up his Children in the Proteſtant Religion; and ſhewed a great reſpect for all Perſons of that profeſſion? would it not be a dangerous thing for him (I mean in point of Intereſt) to offer at any ſuch alteration of the Religion eſtabliſht by Law? can any Man imagin that it can be attempted without great hazard of utterly deſtroying both himſelf and his Family? And can ſo indiſcreet an attempt be expected from a Prince, ſo abounding in Prudence and Wiſdom? But though we ſhould reſolve to have no moderation in our proceedings againſt Papiſts, yet

I hope

I hope we ſhall have ſome for our ſelves. It cannot be imagined that ſuch a *Law* will *bind all* here in *England*, *any* in *Scotland*, and it is diſputed whether it will be *binding* in *Ireland*, ſo that in probability it will not only divide us amongſt our ſelves, but the three Kingdoms one from the other, and occaſion a miſerable Civil War. For it cannot be imagined, that the Duke will ſubmit to it. And to diſinherit him for his Religion, is not only to act according to the Popiſh Principles, but to give cauſe for a War with all the Catholick Princes in *Europe*; and that muſt occaſion a ſtanding Army, from whom there will be more danger of Popery and Arbitrary Government, than from a Popiſh Succeſſor, or a Popiſh King. Sir, it is very agreeable to the weight of the Matter and the uſual proceedings of this Houſe, that this buſineſs ſhould be fully debated, and therefore I humbly move you it may be in a Committee.

Sir *R. G.* made a long Diſcourſe, ſhewing the Dangers and Miſeries of a Civil War, by a large account of thoſe between *York* and *Lancaſter*. That this Bill if it ſhould paſs would lay a foundation for ſuch another. That it would not be binding either to *Scotland* or *Ireland*, and ſo conſequently occaſion a Diviſion between the three Kingdoms, which had formerly been the occaſion of Wars and Miſeries, as well as our own Diviſions amongſt our ſelves. Then gave an Hiſtorical account, to make out how fatal Diviſions had proved to other Nations, and inſtanced in *Theodoſius*, and others. That he thought it abſolutely neceſſary, if this Bill muſt be brought

brought in, to prevent a Civil War, that the Succeſſour ſhould be named, which would need a great deal of conſideration; and if to debate buſineſs of ſmaller importance, it is uſual for the Houſe to reſolve it ſelf into a Committee, how could it be anſwered that it ſhould not be done in a buſineſs of ſo great importance, that ſo Expedients might be offered and debated with more freedom and ſatisfaction than it was poſſible they could be in the Houſe.

Mr. *Speaker*,

Sir *W. P.* Sir, I am of opinion that *Expedients in Politicks* are like *Mountebank-tricks in Phyſick*; as the one does ſeldom good to Bodies Natural, ſo not the other to Bodies Politick. Government is a weighty thing, and cannot be ſupported nor preſerved but by ſuch Pillars as have neither flaws nor cracks, and placed on a ſure Foundation. And I am afraid that all Expedients will be found to have far different Qualifications. I cannot foreſee how the excluding of one Perſon who hath a right to the Succeſſion depending upon Contingencies, upon ſuch an account as this is, ſhould occaſion a Civil War, but rather do think there is a great deal more danger, not only of a Civil War, but of our Religion and Liberty too, if we ſhould not do it, and ſo have a Popiſh King. For I do believe that ſuch a King would ſoon have a Popiſh Council. For if there be eleven to ſeven now for the intereſt of a Popiſh Succeſſour, what may you not expect when you have a Popiſh King? *And ſhould you not then ſoon have Popiſh Judges, Juſtices, Deputy-Lieutenants, Commanders at Sea and Land, nay, and Popiſh Biſhops too.* For

if

if there be *none put into any of theſe places now, that are for acting againſt a Popiſh Succeſſour, well may we expect that none ſhall be put in then, but what are for a Popiſh King.* And therefore I am aſtoniſht to hear any Man that pretends to be a Proteſtant, argue, that in ſuch a Caſe we need not fear Popery; for it is indeed to argue for Popery, and muſt proceed from an opinion that the Proteſtant Intereſt is very low, and not able to bear up longer againſt Popery, or elſe that Proteſtants are very credulous and inconſiderate, and may be brought to deſtroy themſelves with their own hands. Muſt our Religion and Liberty have no Security but what depends on the Vertues and goodneſs of a Prince, who will be in ſubjection to the Pope, and probably influenced by none but Jeſuits and ſuch Creatures? will it ſeem ſtrange that ſuch a Prince ſhould compoſe his Privy Council of Perſons inclined to that Religion, or that he ſhould employ any others as Judges, Juſtices, Sheriffs, or Commanders in any place of Truſt either at Land or Sea? And can we think that by the many endeavours which will be uſed, that the Common People will not be debauched, and either be miſled, or made indifferent in a little while? Is it not in the power of the King to nominate his Counſellors, Judges, Sheriffs, Commanders at Sea and Land, and can it be imagined that he will not take care to nominate ſuch as ſhall be for his turn? Certainly, Sir, no man can imagin that the Proteſtant Religion can long be preſerved under ſuch a King, but ſuch as cannot or will not ſee at a diſtance what a change ſuch a Scheme of Government will ſoon produce, and how likely it

is

is that it will be ſet up and practiſed, if ever we ſhould have a Popiſh King. And as I do think that our Religion can never be ſecured without this Bill, ſo I do not fear that it will occaſion any Civil War, or any Diviſion between this Kingdom, *Scotland* or *Ireland*; but rather I believe it will be a means to reconcile the Proteſtant Intereſt, and to ſettle the Government upon ſuch a Bottom as will prove invincible. In *Scotland* the major part of the People hate Popery as well as we, and ſo do the Proteſtants in *Ireland*; and therefore certainly it will be their Intereſt to join with us againſt a Common Enemy, and not to divide. And whereas it hath been ſuggeſted, that this Bill will ingage us in a War againſt all Catholick Princes, I look upon it as a Bugbear, and do believe that we ſhall gain many Friends by being ſetled as we may by having this Bill, *becauſe then we may be formidable to our Enemies, and ſerviceable to our Allyes*, but never without it. And, Sir, *this is not to diſinherit a man for his Religion, but becauſe he hath rendred himſelf uncapable to govern us, according to our Laws, which whether it proceed from his Religion, or any thing elſe, is all one to us.* His being uncapable is the ground for our Proceedings, having no other way to preſerve our ſelves. Upon the whole matter I do conclude, that a Popiſh King and a Proteſtant Religion are irreconcileable, and have no reaſon to fear a Civil War, ſo long as we have a Law for our defence, and a Proteſtant King to head us, which we cannot expect without paſſing ſome ſuch Bill as this under debate. And therefore I humbly move you it may be brought in.

Mr.

D. F. Mr. *Speaker*, Sir, the buſineſs you are debating is of ſo high a nature, that I cannot tell how to ſpeak to it without fear and trembling. To go about to alter the Succeſſion of the Crown, muſt be of great concernment to all *Engliſh* men, and therefore ought to be conſidered with a great deal of deliberation, for which the Juſtice, Prudence, and Uſage of this Houſe calls aloud, there never having been any buſineſs debated in this Houſe, in which ſo much care was required. Sir, I am unſatisfied with my ſelf, how we can in Juſtice paſs any ſuch Bill as is propoſed. For I never heard of any Law, which made an Opinion in Religion a Cauſe to be diſpoſſeſt of right; in former times it was not ſo, though there were Princes and Emperors that were Apoſtates. And Queen *Elizabeth* would not allow of putting any ſuch thing in practice, but rather choſe to proceed againſt *Mary* Queen of *Scots* according to the ſettled Laws of the Nation. This Nation hath been ſo unfortunate as to cut off one King already, let us have a care how we cut off the right of another There is a poſſibility that the Duke may return to the Proteſtant Religion, let us not exclude him from ſuch temptations as may be convenient to reduce him. But whatever ſhould be your reſolution at laſt, I humbly conceive there can be no reaſon given, why a buſineſs of this weight ſhould not be debated in a Committee, before you Vote the bringing in of the Bill, that ſo the Validity of ſuch other Expedients as may be propoſed, may be examin'd, and the reaſons for and againſt this Bill be digeſted as they ought to be. How ſhall we otherwiſe anſwer it to his Majeſty, who hath

offered

offered you every thing but this? If there were a motion made for a Bill to give Money, would it not probably be debated in a Committee; by this Bill we are going to give away the right of a Crown, which I take to be more than Money, and therefore I humbly move you that it may be further debated in a Committee.

Mr. *Speaker*,

H. B. Have not the Papists always proceeded againſt the Proteſtants with a barbarity ſurmounting the worſt of Heathens, and muſt we be ſo mighty careful how we proceed to hinder them from ruling over us, as that we muſt ſtumble at every Straw, and be afraid of every Buſh. A man that is in a Houſe that is on Fire, will leap out at a Window rather than be burnt. I do admire how any perſon, that doth know with what Treachery and Inhumanity the Papiſts behaved themſelves in the Maſſacres of *Piedmont*, *Paris*, and *Ireland*, their Cruelties in *Queen Marys* days, lately on Sir *Edmondbury Godfrey*, and what they had deſigned againſt the King, and all of us, can offer any thing to delay, much more to hinder, what is ſo preciſely neceſſary for the good of the King and Kingdom; eſpecially ſeeing in this we ſhall do nothing, but what may be juſtified by many Laws and Preſidents: And if there were none, of which I know there are a great many that are liable to no objection, yet I take it, *That the Laws of Nature, and ſelf-preſervation would afford us ſufficient Arguments.* I think the Sun is not more viſible at noon-day, than that the Papiſts have a deſign to extirpate our Religion, and that they have done great things in order thereto, even now

while

while we live under the Government of a Proteſtant King, by ſome inviſible Power that hath ſtrangely acted its part in favour of that Intereſt, in all our Councils and Reſolutions in Affairs of greateſt Importance; and it is as plain that this is ſo, becauſe there is a Popiſh Succeſſor, and that their Intereſt will never decline as long as there is ſuch a Succeſſor, and the hopes of a Popiſh King. And now that by the watchful Providence of God, theſe things have been made ſo plain to us, is it not ſtrange that any Man ſhould go about to perſwade us to be ſo neglectful and inconſiderate, as to ſit ſtill and look on, while the Papiſts are putting their Chains about our Arms, and Ropes about our Necks, which muſt be the conſequence of permitting a Popiſh King to aſcend the Throne, againſt which there can be no Law to ſecure us but this. In *Edward* the Sixth, and Queen *Mary*, and Queen *Elizabeth*'s days, was not the Religion of the Prince the Religion of the Nation? did not moſt of the Privy Counſellors and great Miniſters of State, and ſome Biſhops too, change with the times? Is it not cuſtomary for great Men to inſinuate and flatter their Princes, by being of their Religion? On what muſt we ground our hopes of Security, in ſuch a Caſe? On nothing, Sir, but on a Civil War, which ſuch a Prince muſt certainly occaſion. But I do not fear it from this Bill, but rather think it the only way to prevent it, *not doubting but that there will be People enough that will give obedience to it, ſufficient to execute the Law on ſuch as may be refractory, if any, which can only be Papiſts and ſuch as may be Popiſhly affected.* The objections as to a Civil War, and

diſobedi-

diſobedience to this Law, may as well be made againſt any other ſevere Law that we may attempt to make againſt Papiſts; and muſt we therefore let them all alone? I hope we ſhall not be ſo inconſiderate, but as we have diſcovered that their Weapons are near our Throats, ſo that we ſhall not acquieſce in any thing leſs than what may ſecure us, that ſo if poſſible, we may not fall into the hands of ſuch a bloody mercileſs people, which muſt infallibly be the conſequence of having a Popiſh King.

And, Sir, as we have much to ſay for the having of this Bill, ſo for not having our time loſt by going into a Committee at this time about it. When the Bill is brought in, there will be time enough to hear of other Expedients, if any Member will then offer any, of which they will now have time to conſider, that ſo they may be offered particularly, and not only in general. For it doth not conſiſt with the gravity of the Houſe, that they ſhould be put out of their Method they are moſt inclined to, without good cauſe. I am afraid there can be no Expedients offered in this caſe, that can be ſufficient, unleſs ſuch as may ſhake the Throne as to all future Kings. And I hope we ſhall be cautious how we enter into any ſuch Debate; for if you ſhould, you may be ſure your Enemies will take advantage thereof. And therefore I am rather for the Bill.

Mr. *Speaker*,

J. T. Sir, have not Popiſh Kings, as well in other Countries as here, always brought in a Popiſh Religion? and have we any reaſon to ſuppoſe the like will not happen here, if ever we ſhould have a King of that Religion? Have

we not undeniable proof, that the great thing designed, by endeavouring at a Popish King, is the rooting out of Heresie out of these three Nations and is not *Rome* and *France* ingaged to give their assistance therein, as well as great parties at home, not only of profest Papists, but of some who profess themselves Protestants, but are so but in *Masquerade*? And do they not say that they have so clenched and rivetted their Interest, as that God nor Man cannot prevent their accomplishing their design? And shall we be so indiscreet as to let it creep on thus upon us, and not endeavour to remedy our selves? Let it be never said of this House of Commons, that they were so stupified or negligent of their duty to their Country, or so indifferent in their Religion, or Preservation of their Liberties, as to forget so great a concern. If when we have done what we can, we should be conquer'd by force, or deceived by such little arts and tricks as may be used, a patient Submission to Gods Providence must follow. But to be the occasion of our own destruction, by being supine and inconsiderate, will never be answered to Posterity.

He then justified the Legality of the Bill, by a long Catalogue of Presidents, making out, that the Succession of the Crown has been oftentimes altered by Act of Parliament upon less occasions than this, and concluded with a motion for bringing in of the Bill.

Resolved, *That a Bill be brought in to disable the Duke of* York, *to inherit the Imperial Crown of this Realm.*

The

The 4th of *November*, 1680.

A Bill to disable James *Duke of* York *to Inherit the Imperial Crown of* England *and* Ireland, *and the Dominions thereto belonging, was read the first time.*

Mr. Speaker,

Sir, *I. J.* Sir, I have spent much of my time in studying the Laws of this Land, and I pretend to know something of the Laws of Forreign Countries, as well as of our own. And I have upon this occasion well considered of them, but cannot find how we can justifie the passing of this Bill, rather much against it.

First, I think it is contrary to natural Justice, that we should proceed to Condemnation, not only before Conviction, but before we have heard the Party, or Examined any Witnesses about him, I am sure none in his defence. And to do this, by making a new Law of purpose, when you have old Laws in being, that have appointed a Punishment to his Crime, I humbly conceive is very severe, and contrary to the usual proceedings of this House, and the Birthright of every English-man.

Secondly, I think it is contrary to the Principles of our Religion, that we should dispossess a man of his right, because he differs in point of Faith. For it is not agreed by all, that Dominion is founded in grace. For my part I think there is more of Popery in this Bill, then there can possibly be in the Nation without

it; for none but *Papists* and *Fifth-Monarchy-men*, did ever go about to dis-inherit men for their Religion.

Thirdly, I am of Opinion that the *Kings of England* have their Right from God alone, and that not no Power on Earth can deprive them of it. And I hope this House will not attempt to do any thing, which is so precisely contrary not only to the Law of God, but the Law of the Land too. For if this Bill should pass, it would change the Essence of the Monarchy, and make the Crown Elective. For by the same reason that this Parliament may disinherit this Prince for his Religion, other *Parliaments* may disinherit another, upon some other pretence which they may suggest, and so consequently by such Exclusions elect whom they please.

Fourthly, It is against the Oath of Allegiance, taken in its own Sense, without *Jesuitical* evasions. For by binding all Persons to the King, his Heirs and Successours, the Duke as presumptive Heir must be understood. And I am of opinion, it cannot be dispensed withal. Sir, I will be very cautious how I dispute the Power of Parliaments. I know the Legislative Power is very great, and it ought to be so. But yet I am of opinion, that Parliaments cannot disinherit the Heir of the Crown, and that if such an Act should pass, it would be invalid in it self. And therefore I hope it will not seem strange, that I should offer my judgment against this Bill, while it is in debate, in which I think I do that which is my duty as a Member of this House.

Henry

Henry the Fourth of *France* was a Proteſtant, his people moſt Papiſts, who uſed ſome endeavours to prevent his Coming to the Crown; but when they found they were not like to perfect their Deſign without occaſioning a Civil War, they deſiſted, concluding that a Civil War would probably bring on them more miſery, than a King of a different Religion, and therefore ſubmitted. Sir, I hope we ſhall not permit our Paſſion to guide us inſtead of Reaſon, and therefore I humbly move you to throw out the Bill.

Mr. *Speaker*,

R. M. Sir, the Honourable Member that ſpoke laſt, may underſtand very much of the Laws of other Countries, and Foreign Affairs, but I am apt to think not much of the Laws of this Nation, or elſe he would not argue that this is a Popiſh Bill, when it is the only thing that can ſave this King and Kingdom, and the Proteſtant Religion, which I hope will never come to that extremity as to need any thing that is Popiſh to ſave it. For my part I am ſo far from thinking that this Bill is ſo unanſwerable as hath been argued, that I think this Houſe of Commons will get as much Credit by paſſing of this Bill, as that in 1660 did by paſſing that which brought home the King. *For as the one reſtored him, ſo the other may preſerve him*, and *nothing leſs*. And therefore I think, Sir, you ought not to delay the giving it a ſecond reading, but appoint a ſpeedy day for it.

Mr. *Speaker*,

J. H. Sir, I do not underſtand how it can be conſtrued, becauſe we go about to diſinherit

rit the Duke, that therefore it must be for his Religion. For my part I do approve of the Bill, but it is because the Opinions and Principles of the Papists tend to the alteration of the Government, and Religion of this Nation, and the introducing, instead thereof, Superstition and Idolatry, and a Foreign and Arbitrary Power. If it were not for that, I am apt to think the Duke's being a Papist would not be thought a sufficient Cause for this House to spend time about this Bill. And I cannot see the danger of reducing the Government to be Elective by it; for why should we presume that any thing, but the like Cause, should have the like Effect? *Though the Succession of the Crown hath been formerly often changed by Acts of Parliament*, yet *hitherto it hath not made the Crown Elective*, why must we fear it now? Neither can I apprehend, that the passing of this Bill is contrary to Natural Justice; because we have not heard what the Duke hath to say for himself. The Presidents that might be offer'd to make out, that Parliaments have when they thought good condemn'd Persons by Bill, are numerous, and without any hearing too. But if there were none, to doubt the Power of the Legislative Authority of the Nation, in that or any other case, is to suppose such a weakness in our Government, so inconsistent with the Prudence of our Ancestors and Common Reason, as cannot well be immagin'd. And I do not think we are going about to do any such strange thing neither, but what would be done in other Countries upon the like occasion; but do believe, that if the *Dolphin* of *France*, or

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Infant of *Spain* were Proteſtants, and had for near 20 years together endeavoured the ſetting up of another Intereſt and Religion, contrary to the Intereſt of thoſe Kings and the Catholick Religion, eſpecially if ſuch endeavours had been accompanied with ſuch ſucceſs as here, and thoſe Nations had been ſo often by ſuch means reduced ſo near to Ruine as we have been, by Diviſions, Tolerations, Burnings, Plots, Sham Plots at home, and by Wars and Foreign Alliances over-ruled in their favour abroad, but that they would have been more impatient than we have been for this Remedy. And for my own part, I cannot but admire more at the long delay there hath been in ſeeking out a Remedy againſt this great Evil, than at our offering at this Bill. For notwithſtanding what hath been ſaid, I cannot think our danger ſo remote or uncertain, as ſome would ſuppoſe it. *Can the King be ſafe as long as the Papiſts know that there is nothing but his Life ſtands in their way, of having a King to their mind, which is the only thing they want to go on with their Deſigns, and to accompliſh their Expectations?* Will it then be an eaſy thing to withſtand ſuch an inraged barbarous people? The more falſe and unreaſonable their Religion is, the more cruelty will be neceſſary to Eſtabliſh it. Can it be imagin'd we ſhall not pay ſeverely, for having ſhed ſo much blood of their Martyrs as they call them, and for having enjoyed their Holy Church-Land ſo long, or that they will not do all that they ſhall think neceſſary to ſecure an entire and quiet Poſſeſſion to themſelves? For my own part, I cannot imagin that the Pride

of thoſe Church-men will be ſatisfied with any thing leſs than an utter Ruin and extirpation of us and our Poſterities. And I think that nothing can ſave us but this Excluſion Bill, and thereby I humbly move you to appoint a ſpeedy day for a ſecond reading.

Reſolved, *That the ſaid Bill be read a ſecond time, on* Saturday *Morning at Ten of the Clock.*

The 6th. of *November*, 1680.

A *Bill to diſable* James *Duke of* York *to Inherit the Imperial Crown of* England *and* Ireland, *was read a ſecond time.*

Sir *R. T.* Made ſeveral objections againſt the Tenour of the Bill, as not anſwering the intention of the Houſe, ſhewing how, (if not altered) it would occaſion an *interregnum*, and that the Clauſe for limitting the Excluſion to the Perſon of the Duke only, was not well drawn.

Mr. *Speaker*,

Sir *L. J.* In my humble opinion, the Body and whole Tenour of this Bill carrieth with it a great reflection on the whole *Engliſh* Nation. For to ſuppoſe that one perſon is able to turn us about to *Popery*, is to ſuppoſe that we are either very imprudent, or irreſolute, or that we have no great love, but are rather very indifferent in our Religion. And if we may thus diſinherit the preſumptive Heir, not only the Royal Family,

Family, but the whole Nation, will be ſubject by ſuch a preſident to many inconveniences. For by the ſame reaſons the like may be done hereafter upon any other pretence. For, Sir, though we know that this Houſe is compoſed of Perſons that have a great veneration for the *Royal Family*, yet we know not what may happen hereafter; but if ſome ſuch Bill as this muſt paſs, I humbly conceive there is a great neceſſity of naming a *Succeſſor*, and not leave, that in diſpute, leaſt an *interregnum* or Civil War happen thereupon.

Mr. *Speaker*,

H. B. Sir, becauſe I am of opinion that nothing can at this time be ſo prejudicial to the Proteſtant Intereſt, as to be at a ſtand, or go backward with this Bill, therefore I ſhould be ſorry to ſee that we ſhould enter upon any Debate of clogging it with any thing that may occaſion any delay. There may be more difficulty in agreeing about the Proviſo's and Declarations that will be neceſſary in naming a Succeſſour, than to agree about the Bill it ſelf. And we cannot make the Law plainer than it is in that caſe. We intend by this Bill nothing but an Excluſion of *James* Duke of *York*, as the only expedient that can help us in the Exigency the Nation lies under, and it being intended only as an Expedient in reference to him only, and that the Bill ſhall have nothing in it that can relate to or prejudice the next of Kin, I do not ſee how there ariſeth from that any difficulty more than there was before as to the Succeſſion. And therefore, Sir, let us not confound the Bill with needleſs Additions. I confeſs, Sir, I

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am one of those that am in pain until this Bill be past. For the King hath his Breath in his nostrils as well as other men, and although we have all much reason to pray for his long life, so to fear it too: And nothing can tend so much to the securing of his life, as the passing of this Bill; not ours after his. For how shall we be able to defend our selves against Popery without it? Therefore I humbly move you that we may not spend our time about any such Additions, but commit the Bill.

Mr. *Speaker*,

D. F. Sir, I have already given you many Reasons against the Bill it self, but more do offer from the wording of it; the Excluding the Duke will not give a Right to the next Heir to take possession of the Crown while the Duke is living, and therefore unless you name a Successour, it will either prove ineffectual, or cause a great disturbance in the Nation by an *Interregnum*. And, Sir, as this part of the Bill is too weak, so the other is too strong: For as it is now penn'd, it may probably Exclude all the Duke's Children, at leastwise leave it so, as that it may prove a great Question, which I suppose you do not intend. Then he stated several Cases in Law, to prove what he had said; and concluded that it was in order to have it further considered at a Committee.

Mr. *Speaker*.

B. T. Sir, I do not see how you can name a Successour, unless you can in the same Act prohibit the Queen from having of Children, the King from marrying again, the Duke from having of Sons, which would not be more prepostero-

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rous, than the many Proviſo's which otherwiſe the Act would require to ſecure ſuch Iſſue their Right, which would probably make the Remedy worſe than the Diſeaſe. And I think, Sir, that in a caſe of this importance you will be careful how you make Laws that ſhall be liable to ſo many difficulties and diſputes. And therefore you had better rely on the old Laws you have, than make new ones to perplex the Caſe. And I do not ſee how the excluding of the Duke only, can any way infect the Right which his Children may have to the Succeſſion. And therefore I think there is no need of naming a Succeſſour, but let the Bill be committed, and to a Committee of the whole Houſe, and there it may be further debated if neceſſary.

Mr. *Speaker*,

Sir *R. H.* Sir, I tremble to to hear ſo much diſcourſe about the King's death, and naming him a Succeſſour, certainly the like was never known in any former Age, but rather it was looked on as ſo dangerous a thing to be diſcourſed of, as that none durſt attempt it, whatever the occaſion were. Queen *Elizabeth* concluded, that the naming of a Succeſſour to the Crown, would be digging of a Grave for her; and therefore I hope we ſhall never go ſo far as to put it into an Act. I am for ſhewing a great reſpect for the Duke and his Children, but I think we are firſt bound in Duty to the King, and therefore ought firſt to ſhew our Reſpects to him. *Some perſons, in my poor opinion, have ſhewed ſo much zeal for the Duke's Intereſt, that I am afraid they have forgot their Allegiance to the King.* Can he ever be ſafe, as long as it is the intereſt of every

ry Papiſt in *England* to kill him? which it will be, as long as there is hopes of a Papiſt to ſucceed to the Throne. And therefore I think we cannot anſwer the permitting of any delay in an Affair of ſo great importance, and I humbly move you that the Bill may be committed, and that all may have Liberty to be concerned therein, in a Committee of the whole Houſe.

Reſolved, *That the Bill be committed to a Committee of the whole Houſe. That it be an inſtruction to the ſaid Committee, that the Excluſion in the ſaid Bill do extend to the Perſon of* James *Duke of* York *only.*

That this Houſe do reſolve into a Committee of the whole Houſe on Monday *morning next, at ten of the Clock, to proceed to the Conſideration of the ſaid Bill.*

The 8th of *November.*

THE Houſe then reſolved into a Committee of the whole Houſe, to proceed in the Conſideration of the Bill, to diſable *James* Duke of *York* to inherit the Imperial Crowns of *England* and *Ireland*, and the Dominions and Territories thereto belonging; and after many Debates about ſeveral Amendments, and Clauſes to be added, the Bill was agreed, and reported to the Houſe.

Reſolved, *That the ſaid Bill with the ſeveral Clauſes and Amendments be engroſſed.*

The

The Ninth of *November*, 1680.

A Petition from the Bailiffs, Wardens, and Aſſiſtants of the Company of Silk-Weavers, was read.

Mr. *Speaker*,

J. B. Sir, this Petition branches it ſelf firſt againſt the Bill that is here afoot, for wearing of Woolen; ſecondly, againſt the Importation of Foreign Silks from *France*; and thirdly, againſt the *Eaſt-India* Company. As to the two firſt Particulars, I ſhall deſire leave to ſpeak my mind, when the Buſineſs comes to be debated in the Committee to which you may think good to refer it: but as to the third Branch, againſt the *Eaſt-India Company*, I deſire to be heard a little at this time: For, Sir, it will be in vain for you to ſpend your time in endeavouring to raiſe the price of Wool, or to advantage the Trade of the Nation any way, unleſs you do in the firſt place make ſome Regulation for the *Eaſt-India Trade*. For not only the *Silk Weavers*, but moſt of the other Trades of this Nation, are prejudiced by the Conſumption of Goods manufactured in the *Eaſt-India*, and brought hither: For a great many of them are not only ſpent here inſtead of our own Manufacturies, but abroad in other Parts to which we ſend them. They do us the ſame prejudice, which muſt in the end be the deſtruction of our Manufactury Trade both at home and abroad, if not looked after; and the more likely, becauſe the People in the *India* are

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such Slaves as to work for less than a Penny a day, whereas ours here will not work under a Shilling: and they have all Materials also very reasonable, and are thereby enabled to make their Goods so cheap, as it will be impossible for our People here to contend with them. And therefore, because the said Trade hath abundantly increased of late years, that we may not enrich the *Indians*, and impoverish our own People, I humbly move you that this Petition may be referred to some Committee that may take particular care of it.

Mr. *Speaker*,

J. P. Sir, The Navigation to the *East-Indies* being by the Industry of long Experience of our Sea-men rendred as safe and secure as to any Country adjacent, and the Trade increased to a great proportion, by such a dangerous way as the Exportation of our Bullion, and Importation of abundance of Manufactured Goods, and superfluous Commodities, and carried on by a few Men Incorporated, who have made it their Business, by all ways immaginable, to secure the Advantages thereof to themselves and their Posterities, not permitting the People in general to come in for any share; I humbly conceive it may not be unseasonable to give you a short Scheme of that Trade, and to make some Remarks as well on the Trade, as present Management thereof; it being setled in a Company, by vertue of a Charter granted 1657. and confirm'd by His Majesty soon after His Restauration.

Sir, It is well known what Advantage redounds to this Nation by the Consumption of our Manufactures abroad and at home, and how

our

our Forefathers have always diſcouraged ſuch Trades as tended to the hinderance thereof. By the beſt Computation that can be made, we now ſpend in this Kingdom *per Annum* to the Value of 2 to 300000 *l.* worth of Goods manufactured in the *Eaſt-India*; What part thereof are ſpent inſtead of our Stuff, Serges, Cheyneys, and other Goods, I leave to every Mans Judgment, that hath obſerved how their *Perſian* Silks, Bengalls, Printed and Painted Callicoes, and other ſorts, are uſed for Beds, Hanging of Rooms, and Veſtments of all ſorts. And theſe Goods from the *India* do not only hinder the Expence of our Wollen Goods, by ſerving inſtead of them here, but alſo by hindring the Conſumption of them in other Parts too, to which we export them, and by obſtructing the Expence of Linen and Silks, which we formerly purchaſed from our Neighbour-Nations in return of our Manufactures. For when that mutual Conveniency of taking of their Goods in return of ours failed, it is found by experience that our Trade in our Manufactures is failed alſo: And, Sir, this is not only at preſent a great but a growing hinderance to the Expence of our Woollen Goods; for, as it hath been obſerved to you, being the *Indians* do work for leſs than a Peny a day, and are not without Materials at cheap Rates, we may rather tremble to think, than eaſily calculate, what this Trade may in time amount to; and may conclude, That it muſt certainly end in employing and enriching the People in the *India*, and impoveriſhing of our own.

But, Sir, this is not all: This Trade is carried on by the Exportation of 5 or 600000 *l. per*

Annum

Annum in Bullion, which is ſo uſeful a Commodity, as ought not to be exported in ſo great a Quantity, eſpecially ſeeing the Exportation thereof for this Trade hath increaſed in ſome years from 200000 *l. per Annum* to 600000 *l. per Annum*: For it may increaſe to Millions, to the diſcouragement of the exportation of the Products of our Country, upon which the Maintenance of our Poor, and Rent of Land depends. Whereas by the exportation of ſo much Bullion, no immediate Advantage redounds to the Nation: and though it is uſually affirm'd, That the Trade brings back to the Nation as much Money as it exports, yet upon an inquiry it will be found a miſtake. And I think every Nation, but eſpecially this, (which is ſo well ſtored with other Commodities for Trade) ought to be very jealous of a Trade carried on by the Exportation of their Gold and Silver, and to be very careful how to allow it, it being dangerous to make that, which is the Standard of Trade, Merchandiſe it ſelf.

And as theſe Objections ariſe againſt the Trade it ſelf, ſo there are others againſt the preſent management, of which the People do complain as a great Grievance; and I humbly conceive, not without good cauſe. For the equal diſtribution of Liberties and Priviledges among the People, which is one of the Excellencies of the Government, is by this Company highly infringed, a very few of the People being permitted to have any ſhare in this Trade, though it be now increaſed to near one quarter-part of the Trade of the Nation; the Company finding it more for their particular advantage

to

to take up from 6 to 10000 l. on a Common Seal, to carry on their Trade, than to enlarge their Stock; thereby reaping to themselves not onely the Gains which they make on their own Money, but of the Treasure of the Nation; allowing to them that lend, 6 or 8 per Cent. and dividing among themselves what they please, which now within these last 12 or 15 Months hath been 50 per Cent. And upon an exact inquiry it will be found, that this Stock is so ingrossed, that about ten or twelve Men have the absolute management, and that about forty divide the major part of the Gains, which this last year hath been to some men Man 20, to others 10000 l. a piece. So that here is the certain effect of a Monopoly, to enrich some few, and impoverish many.

It's true, there is such a thing as buying and selling of some small Shares in the Stock sometimes, if any Man will give 300 l. in Money for 100 l. Stock; but this amounts to no more than the exchanging the interest of *John Doe* for *Tho. Rowe*, and can be no ways serviceable to bring in more Stock or People into the Trade, and therefore not to satisfie the Complaint of the Nation.

Sir, That you may the better apprehend how unreasonable it is that this Great Trade should be thus confin'd to the advantage of so few Persons, exclusive to all others, under the Penalty of Mulcts, Fines, Seisures, and other extraordinary Proceedings, I beseech you, Sir, to cast your thoughts on this great Body here by you, and the rest of the Corporations of this Nation, who most live by Trade, and consider how many thou-

ſands, if not Millions, there are, whoſe Lot Providence hath caſt on Trade for their Livelihoods; and then, I am apt to believe, it will appear very ſtrange that ſo great a Trade ſhould be ſo limited. If three ſuch Charters more ſhould be granted, what ſhould the major part of the People do for Maintenance? Sir, the Birth-right of every *Engliſhman* is always tenderly conſidered in this Place: By this Company the Birth-right of many thouſands is prejudiced, and may well deſerve a ſerious conſideration; and therefore, and becauſe this Company, by having the command of the Treaſure of the Nation, cannot be controlled by any leſs Power than that of the Houſe of Commons, this Buſineſs comes, as I humbly conceive, naturally before you.

But, Sir, there is one thing more in the Management of this Trade worthy your Conſideration; The great danger which may reſult, as well to Private Perſons as to the Publick, by taking up ſuch an immenſe Treaſure on a Common Seal. Sir, we all know what hapned ſome years ſince by the Bankers taking up ſuch great Sums on their Private Seal, how it proved a temptation for the committing of a great Violation on the Subjects Property, which in all probability preceding Parliaments would have prevented, if they had foreſeen; though I hope there is no danger that the like will ever be done again; yet, Sir, you may do well to ſecure it, either by making ſome Vote, if not a Law, to prevent it. And I am the more forward to move you herein, becauſe I have heard, ſince I had the Honour to ſit within theſe Wall, that in the late Long Parliament there were Members who by Voting for

Money,

Money, got ſhares to themſelves. I have a good opinion of theſe Gentlemen that at preſent have the management of the Trade, but if a few ſuch perſons as I have mention'd ſhould ſucceed them, with the ſame priviledge that theſe have, of taking up what Money they pleaſe on a Common Seal, to what danger might the Treaſure of this Nation be reduced, and how might it not be diſpoſed of, by Dividents, Loans or otherwaies. The taking up of ſo vaſt a Treaſure on a Common Seal, muſt be attended with great danger, and therefore as well for that as for the other reaſons alledged, I hope you will take this Affair into your ſpeedy conſideration, that ſo ſome Remedies may be applyed hereto.

Mr. *Speaker*,

W. L. Sir, by the accompt which hath been given you of the *Eaſt-India Trade*, I doubt not but you are ſenſible, how that it will in time Ruin a great part of the Trade of our Manufactures, if not prevented. The *Eaſt-India Company* have been very induſtrious to promote their own Trade, but therein have given a great blow to the Trade of the Nation. The *Indians* knew little of dying Goods, or ordering them ſo, as to be fit for our *European-Markets*, until the *Company* ſent from hence *Engliſh-men* to teach them, which I am afraid this Nation will have cauſe to Repent hereafter. For the cheapneſs of Wages and Materials in the *Indies*, muſt enable the *Indians* to afford their Manufactured Goods cheaper than any we can make here, and therefore it is probable the Trade will increaſe prodigeouſly, which may be a

good motive for you to take into your consideration that part of it, in which the consumption of our Manufactures is concern'd. They have already spoil'd the *Italian* and *Flanders* Trade, with their *Silks*, and *Callicoes*, now they will endeavour to spoil the *Turk*'s Trade by bringing abundance of raw Silk from the *Indies*. *So that e're long we shall have no need of having Silk from* Turkey, *and if not, I am sure we shall not be able to send any Cloaths or other Goods there.* And it cannot be expected, that the *Indians* should grow weary, of exchanging their Manufactured Goods for our Gold and Silver, nor the Company of the great gains they make by their Trade, and therefore unless prevented by your care, the Trade will go on to your prejudice, the Company having been industrious to secure themselves against all other attempts, by New-years-Gifts, imploying of some mens Money at Interest, and getting others into the Company, and then chusing them of the Committee, though they understand no more of the Trade, than I do of Physick; also Naming of Ships by great mens Names is made use of for the said purpose, and Oaths which they impose on all Persons they imploy in any business of importance, so that there is no ordinary way left to reach them. Therefore, Sir, I hope you will refer the business to some Committee that may make you a speedy Report.

Resolved,

Reſolved, *That the ſaid Petition be referred to the Grand Committee for Trade, and they are to proceed upon the ſame in the firſt place, and they are then likewiſe to conſider of the preſent State of the* East-India *Company, and to Report the ſame, with their opinions therein to the Houſe.*

The 10th of *November*, 1680.

His Majeſty's Meſſage to the Houſe was read.

HIS *Majeſty deſires this Houſe, as well for the ſatisfaction of his people, as of himſelf, to expedite ſuch matters as are depending before them, relating to Popery and the Plot, and would have them reſt aſſured that all Remedies they can tender to his Majeſty conducing to thoſe Ends, ſhall be very acceptable to him, provided they be ſuch as may conſiſt with preſerving the Succeſſion of the Crown in its legal courſe of Deſcent.*

Mr. *Speaker*,

H. B. Sir, I look on all his Majeſties Speeches to Parliaments, and Meſſages to this Houſe, to be Acts of State, and the reſults of ſerious Councils, and therefore the more deſerving our conſideration, but alſo I think we may in ſome reſpects look on them as we do on Letters Patents or other Grants in the King's Name, if in them there be any thing againſt Law, the Lawyer or Officer that drew them is anſwerable for it. So if his Speeches be the product of Council, if there be any miſtake in them, it muſt be

imputed to the Council, and we may and ought to conclude the King never said it, for he can do no wrong. I cannot, Sir, but much admire what neglect of ours, as to Popery and the Plot, hath occasion'd this Message. Hath not most of our time been spent about Examination of Witnesses about the Plot, and in making inspections into the Proceedings of the last Parliaments as to their Transactions about it, that so we may proceed upon such grounds as we ought? Hath there any day past, in which we have not done something as to the Plot and Popery, besides what we have done about the *Duke's Bill? which alone is a sufficient proof of our endeavours to Discover the Plot and Popery, because it plainly appears that all the Plot centers in him, and that we can never prevent Popery, but by preventing that Power to Rule, which is derived from a Popish Successour, and the having of a Popish King.* It is true, we have spent some time also, in asserting the right of the people to Petition the King for Parliaments, or other Grievances; but I do not take that to be so remote to this affair; for can the Plot ever be searched to the bottom, or Popery prevented, as our case stands, but by Parliaments, and seeing there were so many Prorogations of this Parliament, when there were occasions so urgent for their sitting, in order to search the Plot to the bottom, and to make Laws against Popery, have we not great reason to believe that it was from that Party, that such strange endeavours were used to prevent the meeting of Parliaments, from whom they know that nothing but Ruine can attend them? Do we not see by *Coleman's* Letters, what contri-

vances

vances they always had for to manage the Meeting, Sittings, Prorogations and Diſſolutions of Parliaments; and why ſhould we not believe they exerciſe the ſame arts ſtill, ſeeing it is plain that the Deſſolutions of the laſt two Parliaments, and many Prorogations of this, did not proceed from any Proteſtant Intereſt, and therefore well may we conclude from whom. And for the ſame reaſon that they fear Parliaments, have not the people reaſon to be fond of them, being the only legal way to redreſs Grievances? And could we have anſwered the neglecting of the Aſſerting our Rights in that particular? Sir, I think that next to the Duke's Bill, the Aſſerting of the peoples Right to Petition, is the moſt neceſſary Affair we could have ſpent our time about, in order to have the Plot Examined to the bottom, by conveying to his Majeſty the deſires of his people, for to have Parliaments ſit in order thereto. And therefore I am Jealous that the advice given for this Meſſage doth proceed rather from a fear that we are doing too much, than from our doing too little againſt Popery. However, Sir, ſeeing the Meſſage comes in his Majeſties Name, let us according to our duty give all the compliance we can to it, and therefore I humbly move you, that a Meſſage be ſent to the Lords to deſire them to appoint a day for the Tryal of *William* Viſcount *Stafford*.

Mr. *Speaker*,

T. H. Sir, I cannot but obſerve, that his Majeſty in his Speech made to us at the opening of this Seſſion, recommended to us the Examination of the Plot, and the making Laws for

the ſecurity of the Proteſtant Religion, which is not yet above Twenty daies agoe. And therefore it is very Strange in my opinion, that we ſhould ſo ſoon receive another Meſſage to the ſame purpoſe, eſpecially conſidering how we have ſpent our time ever ſince our meeting, in that which we have reaſon to think tends as much to the preventing of Popery, as any thing we could invent. The truth is, Sir, I am fully perſuaded, that the advice for this Meſſage, proceeds from the ſame men that adviſed the Diſſolution of the two laſt Parliaments, and the many Prorogations of this; for though it may look like a Contradiction, that going faſt or going ſlow ſhould tend to one and the ſame end, yet it doth ſo in this caſe; for by the Diſſolutions of thoſe Parliaments, and many Prorogations of this, time was gotten for the diſheartning of ſome Witneſſes, and tampering with others, and the death of the moſt Material one, and now by preſſing upon this Parliament to make great haſte, other Witneſſes may be prevented from coming in, for which his Majeſty hath declared he will give two Months time by his Proclamation. So that it plainly appears, that the further Examination of the Plot muſt be prevented ſome way, if they can do it, and that rather than fail, your endeavours to go to the bottom of the Plot, ſhall be turned upon you, and made uſe of to their advantage. It is ſtrange, *that now Fourteen daies ſhould ſeem too much to have the Examination of the Plot neglected (ſuppoſing it had been ſo) and the Fourteen Months laſt, or rather two Years,*

Years, not thought so. Sir, we are under great difficulties, and therefore we muſt be careful what we do. By the Contents of this Meſſage, we may plainly ſee, that our Enemies are at work to repreſent our Proceedings ill to the King, that ſo if poſſible there may be ſome plauſible pretence found out that may ſerve to gull the People if they ſhould procure a Diſſolution. But I hope his Majeſty will not hearken to ſuch advice; in order to prevent it, let us, until we have an opportunity to expreſs our duty to him by actions, do it by words, to ſatisfie him that we have ſpent moſt of our time in Examining the Plot, and in contriving how to ſecure his Perſon and Government againſt the dangers ariſing from Popery, and to aſſure him, that we will loſe no time till we have done what lies in our power in order thereto; and that we may withal give ſome further inſtance of our endeavours, let us Vote that we will immediately proceed to the Tryal of my Lord *Viſcount Stafford*.

Mr. *Speaker*,

W. H. Sir, I am well content to underſtand that part of the Speech, which recommends to us a ſpeedy Examination of the Plot, to proceed from his Majeſties Goodneſs, on a ſuppoſition that he is now more ſenſible than ever, of the danger his Perſon and Government is in by Papiſts. And I hope it is from that, and not from any other reaſon that he hath been pleaſed to ſend us this Meſſage ſo ſoon after his Speech, notwithſtanding our endeavours as to the Plot and Popery. But, Sir, what I am moſt concerned at, is the latter part of the Speech, that about the Succeſſion, for it looks like the difficulty that was

put

put upon the *Israelites*, *of making Brick without Straw. For seeing all the discoveries about the Plot make it clearly out, that it all Centers in the Duke of* York, *and that all their hopes is derived from a Popish Successor, and Expectation of a Popish King, how can we do any thing that can be effectual in pursuance of the first part of that proposition, without contradicting the latter, it being impossible to secure the Protestant Religion under such limitations.* However, Sir, I hope that none of these things will put the House out of that temper and moderation which becomes this place, for I hope that at last his Majesty will either convince us or be advised by us, that so we may come to a fair understanding, and this Session have a happy conclusion. Let us be careful not to give our Enemies any just advantage to misrepresent us. And then I hope, all will do well at last, maugre all the endeavours of our back-friends. That we do Vote that we will proceed to Tryal of some of the Lords, and appoint a Committee to draw up an Address in Answer to this Message, upon the debate of the House, is, I conceive, what is necessary at this time.

Mr. *Speaker*,

S. T. Sir, his Majesties Message is a tacit reprehension of this House, for not having done their duty as to the Plot and Popery. And as well by this Message, as by his Speech at the opening of the Session he doth now seem much concerned, that the examination of the Plot, and the securing of the Nation against the danger of Popery hath been so long defer'd; for my part, I think he hath a great deal of reason for what he saith, and I am glad to hear it. For I hope

hope he is now truly ſenſible what ſtrange advice he followed in Diſſolving the laſt Parliaments, and ſo often proroguing this, and that he will now permit Parliaments to ſit, until they have done their duty in that particular. But, Sir, though his Majeſty may now be very ſenſible of the miſcarriages there have been in the management of this buſineſs already, yet I think we may not do amiſs (ſeeing his Majeſty hath given us this occaſion) to particularize to him, how the Examination of the Plot, and the ſecuring us againſt Popery hath been prevented. Sir, was not the late long Parliament after the Plot broke out, in a fair way to have tryed the Lords, and to have Examined the Plot to the bottom, and did not the Diſſolution of them fruſtrate all their proceedings? Did not the next Parliament fall upon the ſame Subject, and were they not advanced very far towards it, and did not the Prorogation and Diſſolution come, and make all void? Hath this Parliament, though called to meet the 17th. of *October* was 12 Months, ever ſate till now, & have they not ever ſince their meeting imployed moſt of their time about the Plot and Popery, & can there lie any juſt complaints againſt us? The truth is, Sir, it is plain to me, that if this Meſſage proceeds from his Majeſties own judgment, as I hope it doth (for how can it be preſum'd that his Majeſty ſhould not ſee how we proceed againſt the Plot and Popery, as well as every body elſe) or if it proceed from ſuch Council, as do really intend we ſhould do ſomething againſt Popery, then we may be permitted to ſit until we have done ſomething for the ſecurity of our Religion, and good of our Country; but on the other ſide,

if

if this Meſſage do proceed from the ſame Counſel that adviſed the Diſſolutions of the laſt Parliaments, and many Prorogations of this, then we may take it as a clear diſcovery that there are perſons at Work to repreſent us ill to the King, and to find ſome pretence for our Diſſolutions, as may paſs with the People, and ſuch I take to be Enemies both to the King and Kingdom, and therefore hope you will take a time to find them out, and proceed againſt them as they deſerve. In the mean time, I ſecond the motion that hath been made, for a Committee to draw up an Anſwer to this Addreſs, and for making a Vote in order to Try my Lord *Strafford*.

Mr. *Speaker*,

Sir *F. W.* Sir, Though I know that we are under an Obligation from Duty to make a good Conſtruction of all His Majeſties Speeches and Meſſages to this Houſe, yet becauſe they generally do proceed from ſome Advice and Counſel taken on ſuch Occaſions, therefore I think we may without offence, when any thing is irreconcileable in them, attribute it to the Miniſters, though all that which is good, and agreeable to that Wiſdom and Prudence which is inherent in His Majeſty, ought to be attributed to himſelf; and, as the Caſe ſtands with us, I think only from Him can it proceed. What is ſaid in this Meſſage, that neither His Majeſty nor the People can be ſatisfied, unleſs we expedite ſuch matters as relate to the Plot, I believe it proceeds from His Majeſties own *Genius*, it being ſo agreeable to that Love which he hath always profeſs'd for the Proteſtant Religion; but that tacit Imputation, That we have neglected the Examination of the

Plot

Plot, and Proceedings against Popery, appears to me like a kind of Infatuation in those Ministers that advised it. For, Sir, is there any thing more obvious, than that this Parliament have spent most of their time in Matters relating to the Plot and Popery, and to make such Laws as may prevent the coming in of Popery upon us? And did not both the last Parliaments do the same, from the time the Plot broke out? And if I may take the Liberty to Prophesie, I am apt to think, that the next, and the next, will proceed in the same steps, until such Laws be made as are precisely necessary for the hindering of Popery from coming in upon us: And I pray God it may not be a cause why we shall have no Parliaments to sit and act for a while. But, Sir, as this is plain, so to our grief it is, that there are those about the King, in great Power, that are against the Examination of the Plot to the bottom, or making Laws against Popery. Hath not this appeared by the great Endeavours that have been used to stifle the Plot, the menacing and discouraging of the true Witnesses, and setting up and encouraging of false ones? I mean, by the great Power that accompanied those Endeavours; but above all, by the great Authority and Interest which that Party have shewed in the Dissolution of the last two Parliaments, (though as to the first I heartily forgive them) and the many Prorogations of this. *And must they now, after they have stopp'd, or smother'd all Proceedings that tended to destroy Popery for above Two years, find fault that we have not brought all to perfection in Two weeks?* Sir, this looks like such a profound piece of Policy, as that of Killing Justice *Godfrey*

frey. But I am not sorry that their Politicks run so low. Such a Pretence as this can onely pass with Persons that have a mind to be deceived. I will never doubt the Prudence of the major part of the Nation in this particular, who know that the Non-prosecution of the Plot is the great Grievance which the Nation groans under; and the making of such Laws as may secure us against Popery, the greatest reason they have so longed for a Parliament, and adventured so much as some did in petitioning for one. And, Sir, I think, that accordingly this House have not been wanting to do their Duty therein; and therefore do believe, that such Representations to His Majesty are made by such as aim at the destruction of Parliaments and bringing in of Popery. But the better to prevent their taking any such Advantage for the future, I could wish that we may not spend more Mornings about *Irish* Cattel, nor *East-India* Trade, until the Business of the Plot and Popery be more off our Hand. But in order to satisfie His Majesty of our Obedience to His Commands, I agree both for the Committee, and Tryal of Lord *Stafford*.

Resolved, *That a Committee be appointed, to draw up an Humble Address to His Majesty, upon the Debate of the House, in answer to His Majesties Gracious Message.*

Resolved, *That this House will proceed in the prosecution of the Lords in the Tower, and will forthwith begin with* William *Viscount* Stafford.

The

The Eleventh of *November*, 1680.

SIr *William Jones* reports from the Committee appointed to draw up an Addreſs to His Majeſty, upon the Debate of the Houſe, in Anſwer to His Majeſties Gracious Meſſage; which he read in his Place, and afterwards delivered the ſame at the Clerks Table: where being read again, was upon the Queſtion agreed to by the Houſe.

The Addreſs to His Majeſty, from the Commons.

May it pleaſe Your moſt Excellent Majeſty,

'WE Your Majeſties moſt Loyal and Obedient Subjects, the Commons in this preſent Parliament aſſembled, having taken in our moſt ſerious Conſideration Your Majeſties Gracious Meſſage, brought unto us the Ninth day of this Inſtant *November*, by Mr. Secretary *Jenkins*, do with all thankfulneſs acknowledge Your Majeſties Care and Goodneſs, in inviting us to expedite ſuch Matters as are depending before us relating to Popery and the Plot. And we do, in all humility, repreſent to Your Majeſty, that we are fully convinced, that it is highly incumbent upon us, in diſcharge both of our Duty to Your Majeſty, and of that great

'Truſt

'Truſt repoſed in us by thoſe whom we repreſent,
'to endeavour, by the moſt ſpeedy and effectual
'ways, the Suppreſſion of Popery within this
'Your Kingdom, and the bringing to Publick
'Juſtice all ſuch as ſhall be found Guilty of the
'Horrid and Damnable Popiſh Plot. And though
'the time of our Sitting (abating what muſt ne-
'ceſſarily be ſpent in the chuſing and preſenting
'a Speaker, appointing Grand Committees, and
'in taking the Oaths and Teſts enjoyned by Act
'of Parliament) hath not much exceeded a Fort-
'night, yet we have in this time not onely made
'a conſiderable Progreſs in ſome things which
'to us ſeem, and (when preſented to your Ma-
'jeſty in a Parliamentary way) will, we truſt,
'appear to Your Majeſty to be abſolutely neceſ-
'ſary for the Safety of Your Majeſties Perſon,
'the effectual Suppreſſion of Popery, and the
'Security of the Religion, Lives, and Eſtates of
'Your Majeſties Proteſtant Subjects: But even in
'relation to the Tryals of the Five Lords im-
'peached in Parliament for the execrable Popiſh
'Plot, we have ſo far proceeded, as we doubt
'not but in a ſhort time we ſhall be ready for the
'ſame. But we cannot (without being unfaithful
'to Your Majeſty, and to our Countrey, by whom
'we are intruſted) omit, upon this occaſion, hum-
'bly to inform Your Majeſty, That our Difficul-
'ties, even as to theſe Tryals, are much encrea-
'ſed by the evil and deſtructive Counſels of
'thoſe Perſons who adviſed Your Majeſty, firſt,
'to the Prorogation, and then, to the Diſſolution
'of the laſt Parliament, at a time when the Com-
'mons had taken great pains about, and were
'prepared for thoſe Tryals. And by the like

'pernicious

'pernicious Counſels of thoſe who adviſed the
'many and long Prorogations of the preſent
'Parliament, before the ſame was permitted to
'ſit; whereby ſome of the Evidence which was
'prepared in the laſt Parliament may poſſibly
'(during ſo long an Interval) be forgotten or
'loſt, and ſome Perſons, who might probably
'have come in as Witneſſes, are either dead, have
'been taken off, or may have been diſcouraged
'from giving their Evidence. But of one miſ-
'chievous Conſequence of thoſe dangerous and
'unhappy Counſels we are certainly and ſadly
'ſenſible, namely, That the Teſtimony of a ma-
'terial Witneſs againſt every of thoſe Five Lords
'(and who could probably have diſcovered and
'brought in much other Evidence about the Plot
'in general, and thoſe Lords in particular) can-
'not now be given *viva voce*; foraſmuch as that
'Witneſs is unfortunately dead between the Cal-
'ling and the Sitting of this Parliament. To pre-
'vent the like, or greater Inconveniencies for the
'future, we make it our moſt humble Requeſt
'to Your Excellent Majeſty, That, as You tender
'the Safety of Your Royal Perſon, the ſecurity of
'Your Loyal Subjects, and the Preſervation of
'the true Proteſtant Religion, you will not ſuf-
'fer your ſelf to be prevailed upon by the like
'Counſels, to do any thing which may occaſion
'in Conſequence (though we are aſſured never
'with Your Majeſties Intention) either the defer-
'ring of a full and perfect Diſcovery and Exami-
'nation of this moſt wicked and deteſtable Plot,
'or the preventing the Conſpirators therein
'from being brought to ſpeedy and exemplary
'Juſtice and Puniſhment. And we humbly be-

'seech Your Majesty to rest assured, (notwith-
'standing any Suggestions which may be made by
'Persons, who, for their own wicked purposes,
'contrive to create a Distrust in Your Majesty
'of Your People,) That nothing is more in the
'Desires, and shall be more the Endeavours of
'us, Your faithful and loyal Commons, than the
'promoting and advancing of Your Majesties
'true Happiness and Greatness.

Mr. *Speaker*,

G. V. Sir, I hope this Address will satisfie his Majesty that this House hath not been negligent in the prosecution of the Plot and Popery, and that it will create in his Majesty a good opinion of our proceedings, that so we may not meet with any interruption in the perfecting of those Bills which are necessary for the good of the King and Kingdom, and may have the Glory of having been instrumental in accomplishing that security which the Nation so much desires in point of Religion, and in making his Majesties Government not only more easie to him, but so formidable as that he may become a terror to his Enemies, and in a capacity to give Assistance to his Friends both at home and abroad; and if possible so reconcile all divisions as that there may be no distinction but of Papists and Protestants, nor of that neither, if there could be a way found out to prevent it. For I know this House wants nothing but opportunity to express their Loyalty to the King, and love to the Protestant Religion and their Country; but I am afraid that all our endeavours will prove ineffectual, unless

leſs we can remove from his Majeſty all Counſellors that adviſe him, in favour of the Popiſh Intereſt, and ſuch as influence him in favour of that Party. I do not mean little ones, but ſuch as by experience we had found, have in the time of our greateſt danger exerciſed a kind of uncontroulable Power. The Witneſſes which you have heard this day at the Bar, as to the wicked Plot of the Papiſts in *Ireland*, and in what a dangerous Condition the poor Proteſtants are there, how exceeded in Numbers by their Enemies, and deſerted by their Friends, added to the Evidence we have of the Plot in *England*, hath given to me a new proſpect of the deplorable condition we are in, and therefore, although it be a little late in the day ſeeing here is a full Houſe, and of ſuch Perſons as I believe will never think any thing too much, that is ſo neceſſary for the good of their King and Country. I hope you will not think it unſeaſonable, that I ſhould now move you, that the ingroſſed Bill, for diſinheriting *James* Duke of *York* be read.

The Bill amended as the Houſe had order'd, was read, Intituled, *An Act for ſecuring of the Proteſtant Religion, by diſabling* James *Duke of* York, *to inherit the Imperial Crown of* England *and* Ireland, *and the Dominions and Territories thereunto belonging.*

WHEREAS James *Duke of* York *is notoriouſly known to have been perverted from the* Proteſtant *to the* Popiſh *Religion*; *where-*

by not only great encouragement hath been given to the Popiſh *Party to enter into, and carry on moſt Deviliſh and Horrid* Plots *and* Conſpiracies *for the Deſtruction of his Majeſties Sacred Perſon and Government, and for the Extirpation of the True Proteſtant Religion: But alſo if the ſaid Duke ſhould ſucceed to the Imperial Crown of this Realm, nothing is more manifeſt than that a Total Change of Religion within theſe Kingdoms would enſue. For the prevention whereof,* Be it Enacted *by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the ſaid* James *Duke of* York *ſhall be, and is by the Authority of this preſent Parliament Excluded, and made for ever uncapable to Inherit, Poſſeſs, or Enjoy the Imperial Crown of this Realm, and of the Kingdoms of* Ireland, *and the Dominions and Territories to them, or either of them belonging, or to have, exerciſe or enjoy any Dominion, Power, Juriſdiction or Authority in the ſame Kingdoms, Dominions, or any of them.* And be it further Enacted *by the Authority aforeſaid, That if the ſaid* James *Duke of* York *ſhall at any time hereafter, challenge, claim, or attempt to poſſeſs, or enjoy, or ſhall take upon him to uſe or exerciſe any Dominion, Power, or Authority, or Juriſdiction within the ſaid Kingdoms, or Dominions, or any of them, as King or Chief Magiſtrate of the ſame; That then he the ſaid* James *Duke of* York, *for every ſuch offence, ſhall be deemed and adjudged guilty of High Treaſon; and ſhall ſuffer the pains, penalties and forfeitures, as in caſe of High Treaſon:* And further, *That if any Perſons or Perſon whatſoever ſhall aſſiſt,*

or maintain, abet, or willingly adhere unto the ſaid James *Duke of* York, *in ſuch challenge, claim or attempt; or ſhall of themſelves attempt, or endeavour to put or bring the ſaid* James *Duke of* York *into the poſſeſſion, or Exerciſe of any Regal Power, Juriſdiction or Authority within the Kingdoms and Dominions aforeſaid, or ſhall by Writing or Preaching adviſedly publiſh, maintain or declare, That he hath any Right, Title, or Authority to the Office of King or Chief Magiſtrate of the Kingdoms and Dominions aforeſaid, That then every ſuch Perſon ſhall be deemed and adjudged guilty of High Treaſon; and that he ſuffer and undergo the pains, penalties and forfeitures aforeſaid.*

And be it further Enacted, *by the Authority aforeſaid, That he the ſaid* James *Duke of* York *ſhall not at any time, from and after the* 5th. *of* November 1680. *return, or come into or within any of the Kingdoms or Dominions aforeſaid:* And *then he the ſaid* James *Duke of* York, *ſhall be deemed and adjudged guilty of High Treaſon, and ſhall ſuffer the pains, penalties and forfeitures, as in caſe of High Treaſon; and further, That if any Perſon or Perſons whatſoever ſhall be aiding or aſſiſting unto ſuch return of the ſaid* James *Duke of* York, *that then every ſuch Perſon ſhall be deemed and adjudged guilty of High Treaſon; and ſhall ſuffer as in Caſes of High Treaſon.*

And be it further Enacted, *by the Authority aforeſaid, That he the ſaid* James *Duke of* York, *or any other Perſon being guilty of any of the Treaſons aforeſaid, ſhall not be capable of, or receive benefit by any Pardon, otherwiſe than by Act of Parliament, wherein they ſhall be particularly named; and that no* Noli proſequi, *or Order for ſtay of Proceed-*

ings shall be received or allowed in, or upon any Indictment for any of the offences mentioned in this Act.

And be it further Enacted and declared; *and it is hereby Enacted and Declared, that it shall and may be lawful to, and for any Magistrates, Officers and other Subject whatsoever of those Kingdoms and Dominions aforesaid; and they are hereby enjoyned and required to apprehend and secure the said* James *Duke of* York, *and every other person offending in any of the premises, and with him or them in case of resistance to fight; and him or them by force to subdue: For all which actions, and for so doing, they are, and shall be by vertue of this Act saved harmless and indemnified.*

Provided, *and it is hereby declared that nothing in this Act contained, shall be construed, deemed or adjudged to disenable any other person from inheriting and enjoying the Imperial Crown of the Realms and Dominions aforesaid; (other than the said* James *Duke of* York) *But that in case the said* James *Duke of* York *should survive his now Majesty, and the Heirs of his Majesty's Body; The said Imperial Crown shall descend to, and be enjoyed by such person or persons successorily during the Life of the said* James *Duke of* York *as should have inherited and enjoyed the same in case the said* James *Duke of* York, *were naturally dead, any thing contained in this Act to the contrary notwithstanding.*

And be it further Enacted, *by the Authority aforesaid, that during the Life of the said* James *Duke of* York, *This Act shall be given in charge at every Assizes and General Sessions of the Peace within the Kingdoms, Dominions and Territories aforesaid; and also shall be openly read in every Cathe-*

dral

dral Church, and Parish Church, and Chapples within the aforesaid Kingdoms, Dominions and Territories, by the several respective Parsons, Vicars, Curates and Readers thereof, who are hereby required immediately after Divine Service in the Fore-noon to read the same twice in every year, that is to say, on the 25th. *of* December, *and upon* Easter-day, *during the Life of the said* James *Duke of* York.

Mr. *Speaker*,

Sir *L. J.* Sir, this great business cannot be too well considered, before you come to a final Resolution therein, I will not now offer you any prudential arguments against this Bill, because I did offer several at the last reading; but Sir, I would desire you to consider, that this Prince is Brother to our present King, and Son to our late pious King *Charles* the First; for whose memory this Nation hath a great veneration, that this Prince is enricht with Excellent Endownments, which he hath imployed in the Service of this Nation, by fighting our Battels and defending us from the oppression of our Enemies, and is only Guilty of this one Crime which I hope upon a mature deliberation will not deserve so great a condemnation. Sir, I know it is usual for this House to proceed in Affairs of less importance, with all the Calmness, Justice, and Prudence that can be imagin'd; and therefore I hope you will be careful how you deviate from those Measures, in a business of this Nature. I would once more remember you, that there are Laws already for the punishment of the Crimes he is accused of, and therefore humbly conceive you ought not to

chaſtiſe him, by making a new Law, eſpecially with that ſeverity which is by this Bill now intended, before any hearing.

Sir, for my part I have taken the Oath of Allegiance, and think my ſelf thereby bound to him as Heir, until it pleaſe God that his Majeſty have Children. I know of no Power on Earth, that can diſpence with my Oath, and therefore I cannot (ſo much as by being ſilent) give my conſent to this Bill, leſt I therein wrong my Conſcience, ſeeing I have the Honour to be a Member of this Houſe.

I do not doubt but moſt here have a great eſteem for the Church of *England*, as Members thereof: I could wiſh they would conſider what a great blow this Bill will give to our Religion, and to our Church. To diſinherit a Prince, for no other Cauſe, but for being of a different Opinion in ſome Points of Faith, is, I think, quite contrary to the Principles of the Religion we profeſs, and alſo to the eſtabliſhed Laws of this Land. And if ſuch an Act, when made, ſhould be of any validity, I do conclude, that you will thereby change the Conſtitution of this Monarchy, and make it in a manner Elective; and therefore I humbly move you that the Bill may be thrown out.

Mr. *Speaker*,

Sir *R. M.* Sir, I deſire leave to offer ſome Objections, which, in my opinion, do juſtly ariſe againſt this Bill. I think there ought to be a Proviſo, *That if the Duke ſhould turn Proteſtant, that then the Bill ſhould be void, and he not excluded from his Right*; that ſo we may not leave him without ſome temptation to return to the Proteſtant

teſtant Religion. And, Sir, I think there ought to be a Proviſo, That in caſe the Duke ſhould have a Son, after either of his Daughters (if it ſhould be their fortune) have aſcended the Throne, for the reſerving of him a Right. For, there is a poſſibility, that, if the Duke ſhould outlive the King, he may have a Son, after that his Daughters, by vertue of this Act, may have taken the Crown. I ſuppoſe, that as there is no intent to chaſtiſe the Daughters for the Fathers ſake, ſo not the Son; and therefore I humbly move you, that ſome Proviſo may be added, to ſecure him his Right, if any ſuch thing ſhould happen.

Mr. *Speaker*,

W. Sir, The Honourable Member that ſpoke before made large Encomiums on the Duke, extolling his Endowments, and Services to the Nation. For my part, I think, that the better qualified he is, the greater is our Danger. But as to what he ſaid, of having fought our Battels, and done great things for the Nation, I think he hath not done fairly by the Houſe; for he ſhould alſo have told us, *how the Triple League was broke, and my Lord of* Sandwich *loſt his Life; how he changed his Religion, and hath ever ſince encouraged Popery, and aſſiſted that Intereſt; how the City of* London *was burnt, and the Actors diſcharged; how the Diſcovery of the Popiſh Plot was prevented as much as it could be, and the Presbyterian one encouraged*; that ſo we might have all afore us.

He was going on more ſeverely, but was interrupted.

Mr.

Mr. *Speaker*,

L. H. Sir, Although it hath been ſaid, That no good Proteſtant can ſpeak againſt this Bill; yet, Sir, I cannot forbear to offer ſome Objections againſt it. I do not know that any of the King's Murderers were condemn'd without being heard; and muſt we deal thus with the Brother of our King? It is ſuch a ſevere way of Proceeding, that I think we cannot anſwer it to the World; and therefore it would conſiſt much better with the Juſtice of the Houſe to Impeach him, and Try him, in a Formal way, and then cut off his Head, if he deſerve it. I will not offer to diſpute the Power of Parliaments; but I queſtion whether this Law, if made, would be good in it ſelf. Some Laws have a Natural Weakneſs with them; I think that by which the old Long Parliament carried on their Rebellion, was judged afterward void in Law, becauſe there was a Power given, which could not be taken from the Crown. For ought I know, when you have made this Law, it may have the ſame Flaw in it: If not, I am confident there are a Loyal Party, which will never obey, but will think themſelves bound by their Oath of Allegiance and Duty to pay Obedience to the Duke, if ever he ſhould come to be King, which muſt occaſion a Civil War. And, Sir, I do not find that the Proviſo that was ordered to be added for the Security of the Duke's Children, is made ſtrong enough to ſecure them, according to the Debate of the Houſe, it being liable to many Objections, and the more, becauſe the Words *Preſumptive Heir of the Crown* are induſtriouſly left out, though much inſiſted on when debated

here

here in the House. Upon the whole matter, my humble Motion is, that the Bill may be thrown out.

Mr. *Speaker*,

Sir *W. J.* Sir, I am very unfit to speak in this place, being a Member but of yesterday; but I will rather adventure to draw a Censure on my self, than be wanting to serve my Country (seeing they have called me hither) in Business of so great importance, I think as great as ever was debated in a House of Commons. I can truly affirm, that I have a great respect for the Duke of *York*; and therefore, as well as for the preservation of the Protestant Religion, I am for this Bill. For, I take it for granted, *That it is impossible that a Papist should come to the Possession and quiet Enjoyment of this Crown, without wading through a Sea of Blood, and occasioning such a War as may, for ought I know, shake the Monarchical Government of this Nation, and thereby not only endanger himself, but his Children too.* For no man can foresee what may be the end of such a War, nor what Miseries it may bring on the Nation: But, in all probability, it may prove the deepest Tragedy that ever was acted on this great Theatre. For, it cannot be imagin'd, *that the great Body of Protestants which are in this Nation will tamely submit to the Popish Yoak, which they will in time see must be the consequence of submitting to a Popish King, without some struggling.* And Wars begun upon the score of Religion are generally attended with more fatal and bloody Consequents than other Wars; and this may exceed all others that ever yet were made. And I see no way to prevent it, but by passing this

this Bill, which, ſo long as it excludes onely him, and ſecures the Crown to his Children, is, I think, (as the caſe ſtands) the greateſt Kindneſs we can do him.

Sir, I do much admire to hear ſome Honourable and Learned Members ſay, That this Bill is againſt Natural Juſtice, becauſe it condemns a Man before he is heard ; and that it is too ſevere a Condemnation ; that it is againſt the Oath of Allegiance, and Principles of our Religion ; that it will be a ſcandal to our Church, to exclude a Man of his Right for his Opinion in Religion ; that it is a Law that will be void in it ſelf, and that there are a Loyal Party will never obey it ; that it will make the Crown Elective, and occaſion a Civil War ; and that the Proviſo as to the Dukes Children is not ſtrong enough, becauſe the Word *Preſumptive Heir* is left out.

Sir, The firſt Objection I think is a great miſtake ; for this Bill is not intended as *a Condemnation to the Duke*, but *a Security to our ſelves* ; and is ſo far from being againſt Natural Juſtice, that the Paſſing of it is *agreeable to the very Foundation not onely of Natural Juſtice, but Natural Religion too, the Safety of the King and Kingdom depending thereon, which according to the Rules of Juſtice and Religion we are bound to uſe our endeavour to preſerve, before any one Mans Intereſt.* That about the Oath of Allegiance, I do a little admire at ; for, it is the firſt time *I ever heard that Oath pleaded in favour of Popery.* I have often times had occaſion to ſcan the meaning of that Oath, but never found it extended to the Succeſſor during the Kings Life, and therefore no need of any Diſpenſation in that point. And I cannot underſtand

ſtand how it can be any ſcandal as to our Church or Religion, *if by Church be meant our Proteſtant Church.* Can our Church or Church-men be ſcandalized, becauſe we endeavour to ſecure our ſelves againſt Popery by all lawful Means? I rather think the very Suppoſition a high Reflection on our Church-men, as rendring them willing to let in Popery, which I am confident they are not. As to what is ſaid, That the Law will be void in it ſelf, and that there will be a Loyal Party that will never obey it, and that it will occaſion a Civil War; I muſt confeſs theſe are ſtrange Arguments to me: *For, to doubt that the Legiſlative Power of the Nation, King, Lords, and Commons, cannot make Laws that ſhall bind any, or all the Subjects of this Nation, is to ſuppoſe there is ſuch a Weakneſs in the Government, as muſt infallibly occaſion its Ruine.* And therefore I am of opinion, that what Laws you make in this caſe, will carry as much Right and Strength with them, not only now, but after the Kings death, as any Law whatſoever. And how then can there be a Loyal Party that will not acquieſce therein, unleſs the Word *Loyal* have ſome other Signification than I know of? I take it to be a Diſtinction that can onely be given to ſuch as obey Laws; and I think we need not doubt, but if once this Law were paſs'd, *there would be Proteſtants enough, whoſe Intereſt it would be to defend it, that would compel an Obedience to it.* And we have much more reaſon to fear a Civil War without it, than with it; *For, if we can get this Bill, we may be thereby ſo united, and enabled to defend our ſelves, as that the Popiſh Party may never have the Confidence to attempt us; but without it we ſhall not*

be

be in any capacity to defend our ſelves, which above all things may encourage a Civil War. As to the Proviſo for ſecuring the Right of the Duke's Children, if it be not ſtrong enough, I am ready to give my Vote it ſhould be ſtronger; but I take it to be a full and comprehenſive as can be made; at leaſt, I take the leaving out the Words *Preſumptive Heir to the Crown*, to be no Objection againſt it: For, there is no ſuch Word in our Law-Books, nor no ſuch Term in treating of the Succeſſion; and therefore I hope you will be careful how you make a Preſident in that Caſe.

And, Sir, as I do not find there is any weight in the Arguments that have been made againſt this Bill, ſo I think that if the preſervation of our King, our Government, our Lives and our Religion, be things of moment, that there is much to be ſaid for it. For al. though the malignity of men, cannot deface his Majeſties goodneſs, yet by aſſiſting the Popiſh faction, they have ſpoilt the beautiful face of the beſt Government in the World; by breaking that good Correſpondence that there ought to be between the King and his People, by dividing us in points of Religion, and by being the cauſe of juſt jealouſies and fear. By which his Majeſty is reduced to great difficulties and trouble, in the adminiſtration of his Regal authority, and the Credit Peace and Tranquility of the Nation almoſt irrecoverably loſt. As to all which, the art of Man cannot find out any remedy as long as there is a Popiſh Succeſſor, and the fears of a Popiſh King, and therefore I humbly move you this Bill may paſs.

Mr.

Mr. *Speaker*,

Sir *F. W.* Sir, the Arguments that have been uſed againſt this Bill, *may be very excellent to lull us into a fatal ſecurity, by poſſeſſing us with opinions that there is no need of taking ſo much care about Popery, or that we ought not to oppoſe it, or that it will be to no purpoſe, becauſe we have no power to hinder it.* But I do not ſee what weight they have in them, grounded on any other conſideration, to hinder the paſſing of this Bill. Rather for the ſame reaſon, that ſuch Arguments, as theſe, are here offered againſt this Bill, and ſuch endeavours uſed abroad to reconcile the People to have a better opinion of Popery than formerly, I think we ought to be the more zealous for this Bill, becauſe nothing can give a greater encouragement and aſſiſtance to Popery than the growth of ſuch opinions, not prevent their deſign who are induſtrious to infuſe them, than the paſſing of this Bill. Whoever will conſider how this Monarchy hath declined in grandeur honour and reputation abroad, by the deſtruction of our Navy in 1666. and the little appearance we have ever ſince made of being able to be formidable at Sea, but above all, our Miniſters double dealing in the making of alliances, or performing of them, (in order to keep up our intereſt with *France*) How from being Umpire to all this part of the World, according to that advantage which we have by our Situation, we are become the deſpicableſt Nation in *Europe*. How the Government is weakned at home not only by fears and jealouſies, but by the debaucheries and deviſions which have been promoted amongſt

our

our people ; how narrowly we escaped ruine when the City of *London* was Burnt, as well as when the Toleration came out, and the Army was at *Black-heath*, as lately by the horrid Plot if it had not been discovered ; how there his nothing stands between us and death, but the Kings life; and how all these dangers past and present, do arise from Popery,; and how impossible it is, it should be otherwise as long as there is a Popish Successor : may justly admire there should be any arguments offered in this place to lessen our care for preventing the growth and power of Popery. I cannot tell how these learned Members *understand natural Justice*, but I am of that Opinion, *That self preservation, and the preservation of our Religion, and life of our King by all lawful ways, is very agreeable to natural Justice.* And I do admire to hear such a construction made of the Oath of Allegiance, that it binds all persons to the next Heir as well as to the King. For it is a most dangerous Maxim, *and may be of ill consequence, if ever the next Heir of the Crown should make a Rebellion, for he may thereby challenge Allegiance from the People as well as the King*, which may be of pernicious consequence. And I do not see wherein our Church or Religion can be scandalized by this Bill. *For we do not Disinherit this Prince for his Religion, but to save our own, and to prevent the manifest ruine of the Nation.* And therefore I think it is a kindness to the Church above all Acts whatsoever ; because the only way to preserve it, *I mean the Protestant Church.* And those objections that have been made

made againſt the lawfulneſs and validity of this Act, do not weigh with me, but notwithſtanding what hath been ſaid, do believe it will be as good in law, if once it be paſt, and will be as well obſerved too as any Act whatſoever. The King hath his Right from God, and as Supreme is accountable to none, his perſon ſacred, and by our Laws can do no wrong. If we ſhould give all theſe qualifications to a Succeſſour, as hath been in ſome meaſure inſinuated, it would make a ſtrange confuſion in the Government. Life it ſelf, to which a Man hath as much Right, as any Succeſſor can pretend to have to the Crown, is taken away upon ſome forfeitures for the publick good. And as there may be a forfeiture of Life ſo there may be a forfeiture of a Right to the Succeſſion. And to doubt that there is not an unlimited uncontrollable power reſiding ſomewhere in all Governments, to remedy the exigences that may happen, is to ſuppoſe there is ſuch weakneſs in this or any other Government, as that it muſt fall when a powerful faction ſhall endeavour it. In this Nation, this Power, is in the King, Lords, and Commons, and I hope they will make uſe of it to preſerve the Government upon this occaſion. And I do not doubt, but if the Bill paſs, all will obey it heartily that wiſh well to the Proteſtant Religion. I am afraid ſome Miniſters of State place their ſafety in Common ruine, or otherwiſe the ſetling of this affair, would not have been ſo long delayed and oppoſed as it hath been. Hath there not been contrived and practiſed, and is there not

ſtill threatned the greateſt and certainest ruine to this Nation, by this buſineſs of the Duke, that ever was yet projected, and muſt we be more ſtupified than our Anceſtors? Doth not the Act of the Thirteenth of Queen *Elizabeth* make it Treaſon, for any man to ſay, that the Parliament cannot alter the Succeſſion? And in *Henry* the Eighth's time, was not the right of Succeſſion changed and rechanged by Act of Parliament? He then inſtanced ſeveral preſidents, how the Succeſſion had been ſetled and altered by Acts of Parliament, ſince *William* the Conqueroun's time, and concluded with a motion, for the paſſing of the Bill.

Mr. *Speaker*,

Col. *L.* Sir, It is my misfortune to lie under the diſreputation of being a Papiſt, but have now an Opportunity of ſhewing my ſelf otherwiſe, in declaring that I am againſt this Bill, for I think there is none but Papiſts that are of Opinion, that a man may be diſinherited for his Religion. I have alſo an opportunity to ſhew my duty to my Maſter, in declaring that thoſe reproaches which have been caſt upon him, are in my opinion very unjuſt, becauſe I believe he abhors the thoughts of doing thoſe Actions that have been imputed to him, and therefore do think it very hard, that becauſe he may differ with us in points of Religion, that therefore his reputation ſhould thus be called in queſtion in this Houſe. Sir, I cannot enter into a diſpute with that worthy Member that ſpoke laſt, as to the preſidents he hath mentioned, becauſe I know he is very learned in the Law, and the underſtanding of ſuch things

belongs more particularly to such as have had that education; but I humbly offer it to the consideration of the House, whether or not, if our English Histories be true, most of those precedents were not accompanied with bloud and misery? And I am of opinion, that if this disinheriting Bill should pass, it will not have better success. I cannot doubt but that this House is for keeping up the Monarchical Government of this Nation, we all know how the balance hath been altered by *Henry* the 7th's lessening the Peers, and *Henry* the 8th's destroying the Church, and by the Sale of the Crown-Lands. I pray Sir, let us have a care, how we give a greater blow than all this, by making the Crown Elective. The King lost his Father by one Rebellion. I know this House would not willingly be the cause of losing his Brother by another, which I am afraid this Bill, if it should pass, will occasion hereafter, especially if we name no Successour, for which I am the more sorry because I do not know for whom to draw my Sword.

Mr. Speaker,

Sir *A. C.* Sir, I do observe, and am glad to see it, that all that have spoken in this business, *pro* or *con*, seem to agree, that we ought to do all we can to preserve the present Government, and prevent a Civil War; but we differ about the way; some think that this Bill is the only way, and others are of a contrary opinion, I cannot tell for what good reason. For there being nothing intended by this Bill, but the Exclusion of the Duke only, in order to prevent the great dangers we lie under by reason of his great influ-

ence at Court at preſent, and thoſe we fear, if ever a Popiſh King ſhould aſcend the Throne. There being nothing in the Bill that tends any ways to prejudice the next Heir, it cannot in my poor opinion weaken, much leſs tend to alter the preſent Government, or be any prejudice to the Royal Family, more than in the Excluſion of this one Perſon intended by the Bill. From whom there can be no fear of a Civil War unleſs we ſhould imagine that the people of this Nation, when they have a Law, upon the obſervation and execution whereof, their Lives, Liberties and Religion depend, they ſhould be ſo great Brutes as not to value themſelves thereon, but rather imbrace a blind ſuperſtitious Religion, and ſubmit to all the Slavery imaginable. We may as well think that after the King's deceaſe, the people will be willing to ſubmit to the Government and pretended Authority of the Pope himſelf, though they ſhould be never ſo well able to defend themſelves. The worthy Member that ſpoke laſt, did in a manner affirm, that all the Precedents that have been mention'd as to the ſetling of the Succeſſion of the Crown by Act of Parliament, have been accompanied with Blood. If he would but take the pains to peruſe the Hiſtories of *England*, I think he——would be of another opinion. But I am ſure, none ever equalized the ſhort Reign of Queen *Mary*. The Barbarities which were exerciſed in her Reign, by Fire and Faggot, may be put into the balance with all the inconveniencies that ever happened by any Excluſion-Act. But Sir, if it had been ſo, which I utterly deny, it would not have ſignified much as to

our caſe, for in thoſe days matter of Right was always ſo confounded (I mean as to the underſtanding of the people) by the many Arguments that were impoſed on them by each Party, that neither point of Right, nor any conſideration as to any thing of Intereſt, came fairly before them. Whether *A.* or *B.* ſhould be King, was their only queſtion, without being loaden with any difficulties, as to which the Common and Major part of the people in thoſe days might probably be very indifferent. And yet, Sir, upon a full Examination, it will be found that moſt of thoſe Acts of Parliament touching the Succeſſion, had the effect they were deſigned for, and did ſerve as Expedients, to prevent thoſe miſeries, which were feared and were the occaſion of them. But, Sir, the caſe will be now much otherways, if ever you ſhould be ſo unfortunate, as that the Duke ſhould out live the King, and you ſhould come to try the ſtrength of this Excluſion-Bill: For the queſtion in this Caſe will not be only whether *A.* which is Excluded, or *B.* which is the next Heir ſhall according to this Act be King, *but whether it ſhall be a Papiſt, or a Proteſtant.* Upon which it will plainly appear, the ſafety of their Eſtates, Lives and Religion doth depend. Sir, I have heard and read of ſtrange things done by Popiſh Miracles, and I muſt confeſs, Sir, I have *ſeen much of it, even amongſt many, that pretend to be good Proteſtants, ſince the Plot broke out, I mean as to their believing any thing againſt Popery.* If ſome ſuch Omnipotent Power, ſhould hereafter over-rule in ſuch a conjunction, haply this Bill if it ſhould paſs into an Act, may be ſlighted and neglect-

ed, but otherways I humbly conceive it cannot be presumed, that the Protestants should omit to make use of it to save themselves from Popery and Slavery; which would be the consequence thereof; and thereby not only prevent a Civil War, but support the Government established in the right Line. The truth is, Sir, the most material Observation that I can make of the Arguments against this Bill, is, that it is *thought too good for us, and that it may probably be effectual for the securing of the Protestant Religion. And I am afraid, Sir, that this is the fatal Consideration* that hath prevailed with some to advise the King not to grant it. If we consider how all other Laws which have been hitherto made against the *Duke* have been defeated, we may with some reason fear the like success of all others that shall be made, unless you can do something that may tend to changing of the Interest, which can never be done without this Bill. We have a great many old Laws against Papists, but I did never hear that any thing was done by virtue of them that ever prejudiced the Duke; it was once attempted by a presentment made by a Grand Jury. The success was, that a known material Law of the Land must be broken by an extrajudicial discharge of the Jury, rather than the Law against him should have any Effect. There was a Law not long since made, obliging all Persons that held or executed any Office, to take the Transubstantiation Test; it is true, the *Duke* was so brave Spirited as not to dissemble and take the Test, though haply he was earnestly prest with a dispensation. Yet hath not that Law had any effect in favour of

the Protestant Religion, for though the Duke hath not since acted in his Offices by himself, he put in, as his Deputies, Persons of so much Gratitude as have in all things followed his directions. So that as to himself, the Act hath not proved of any force. There was another Act lately made, which was intended chiefly against him; I mean that of Excluding Papists from sitting in either House, there he got himself fairly excepted by name. Now we would secure our Religion by another Bill against him. I find it meets with opposition here, what it may meet with elsewhere I cannot tell. But if *such be his Power under a Protestant King, what may we not justly fear if he should come to be King himself?* I think nothing less than Popery, Misery and Slavery, from which we can never be saved but by having this Bill, and therefore I humbly move you that this Bill may pass.

Mr. *Speaker*,

D. F. Sir, I will not say that Acts of Parliament cannot dispose of the Succession, because it was made Treason by a Statute in the 13th. of *Elizabeth*, which I do not remember was ever repealed. But I will deny that the Kings of *England* Rule by virtue of any Statute-Law, as was suggested, for their Right is by so ancient a proscription as that it may justly be said to be from God alone, and that no Power on Earth ought to dispute it. And I am of opinion, that the Succession of the Crown is inseparably annexed to proximity of Bloud, and therefore am not yet altered in my opinion that, if this Bill should pass into a Law, it would be of it self invalid. Which with what hath been already

ſaid, that we cannot in Juſtice anſwer the inflicting of this ſevere Condemnation without hearing the Party concern'd; and the improbability of ever attaining this Bill, doth very much weigh with me for my Opinion againſt this Bill. But, Sir, I think there are many doubts ariſe from the penning of the Bill, if the Princeſs of *Orange* ſhould come to the Crown during the Duke's life, and the Duke ſhould afterwards have a Son, muſt that Son loſe his Right for ever? I ſee no proviſion made by this Act to ſave his Right, and may not that occaſion as great a Civil War, between his Generation, and the Princeſs's Children as ever happen'd between *York* and *Lancaſter*; and, Sir, I am ſtill unſatisfied, as to that proviſo about the Duke's Children, that it is not made as it ought to be, and I am afraid that in the whole matter we are gratifying *France* and the Papiſts too, by laying a ſtumbling block of Diviſion even amongſt Proteſtants themſelves, and giving ſo great an occaſion for a Civil War; which I hope you will endeavour to prevent, by throwing out this Bill.

Mr. *Speaker*,

T. T. Sir, I have hearkened to the objections that have been made againſt this Bill, which have not convinc'd me, that we want either a juſt cauſe or legal Power for the making of this Bill. *If the Popiſh Intereſt be grown too ſtrong for the Proteſtant, then any of theſe Arguments may ſerve, for force and Power will ſupply the defect of them.* Otherways I think they have been ſo fully anſwered, as that there is no need more ſhould be ſaid about this matter; but I am ſorry to ſee that the Proteſtant Religion and our Lives and Liberties

Liberties muſt have nothing to depend on, but the continuance of the King's Life, and the good Nature of the Popiſh Party afterward. And this after ſuch demonſtration as we have of the Intereſt of that Party in *France*, *Scotland* and *Ireland*, as well as here; and after a full detection of the growth of that Intereſt by means of the Duke's, and of the endeavours that are uſed to poſſeſs the Proteſtants with ſeveral Opinions that will tend very much to the ſtrengthning of it, and a clear Diſcovery that the Plot in favour of Popery goeth on as much as ever. It hath created in me an opinion, that Popery is too ſtrong to be ſubdued by Laws, and that after this King's Life, *the Proteſtant Religion muſt either be overcome by Popery, or defend it ſelf by the Sword.* At leaſt I believe, that this is the Deſign of ſome men now about the King, but I hope he will at laſt hearken to the advice of his Parliament, and prevent the Nation from falling into ſo miſerable a condition: the objection made about the Duke's Son, if he ſhould have any, after either of his Daughters have taken poſſeſſion of the Government, may in ſome meaſure be made againſt the courſe of Succeſſion obſerved in all Kingdoms; if a King die leaving a Queen, the next Heir is preſently proclaimed, to prevent an *interregnum*, though there be a poſſibility of the Queen's being with Child, to whom the Right ſhould in the firſt place belong. If any ſuch ſhould be born, ſuch a ſetlement as is deſigned by this Bill, may deſtroy the *French* and Popiſh Intereſt, but can never be a gratification to them; our Anceſtors upon many occaſions

occasions setled and changed the Succession: Of which he gave many Instances, and concluded for the Bill.

The 17th. of *November*, 1680.

His Majesty's Message about *Tangier* was read.

HIS Majesty did in his Speech at the opening of this Session desire the Advice and Assistance of His Parliament in relation to Tangier: *The Condition and Importance of the Place oblige His Majesty to put this House in mind again, that he relies upon them for the Support of it, without which it cannot be much longer preserved. His Majesty doth therefore very earnestly recommend* Tangier *again to the due and speedy Care and Consideration of this House.*

Mr. *Speaker*,

Sir *W. T.* Sir, I am very sorry that the Business of Supply for *Tangier* is now moved, because I take it to be a Place of great Importance, and that as well for the Honour of the Nation, as Benefit of Trade, it ought to be preserv'd. But, Sir, we have now things of greater importance to look after, of so pressing a nature, and of so dangerous consequence if delay'd, that we cannot answer either to our King or our Country the preferring this before it. *It is a Duty incumbent on us, to secure things at home, on which our All depends, before we enter into an Expence of Time about securing things abroad.* If an Enemy were but coming to invade us, it might be pro-

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per to Fortifie *Dover*-Castle, *Portsmouth*, *Plymouth*, or any of our Port-Towns: But if an Enemy were actually Landed, it would be more proper to strengthen *London*, or other Inland Cities or Towns. I am afraid, Sir, this is too much our Case; I am afraid we have got an Enemy within our Bowels, and a great one too, and that it is high time to make preparation to oppose him. We have been already careless and inconsiderate too long; and shall we now go about *Tangier*, instead of continuing our endeavours about that? *Tangier* may be of great importance to Trade, but, I am afraid, hath not been so managed, as to be any Security to the Protestant Religion. The *Portugueses*, when they delivered it up, did covenant to have one Popish Church remain there, for the conveniency of some Priests and Friars, and others of that Nation, that were permitted to stay there; but it was then agreed, That their Mortality should not be supplied, that so after the decease of those persons, the said Popish Church might be demolished, or converted to a Protestant Use. But I am well inform'd, that it hath been otherwise managed, and that the Papists there are now more than ever. And was not my Lord *Bellasis*, now a Prisoner in the Tower for the Plot, Governour of *Tangier*? and I think some others of that Religion; if not, I am sure the Souldiers and their Commanders are most of that Religion: Which makes me conclude, it is a *kind of Nursery for Popish Souldiers, and haply, for that reason, as much as for the advantage of Trade, may the Advices given his Majesty in reference to* Tangier *proceed*. But, Sir, there is another

ther Consideration, which will make the Debate of *Tangier* improper at this time; It must end in Money, and not a little Sum neither, enough to raise an Army; which although in time I doubt not but this House will be willing to advance, as far as His Majesty's Occasions shall require; yet, I think, Sir, we are not ready for it as yet. We must be better satisfied into whose hands it will go, whether to such Persons as are for the Popish Interest, or Protestant; that so we may not be afraid, that instead of going to the support of *Tangier*, it should be employed to the destruction of the Protestant Religion: When these things have been looked into, and secured, then it will be time to take care of *Tangier*, and of all other His Majesty's Dominions. In the mean time, our Duty binds us to give His Majesty all the satisfaction we can, as to our Proceedings; and therefore I humbly move you, that a Committee may be appointed to draw up an Address for that purpose.

Mr. *Speaker*,

L. H. Sir, Every one that knows how advantageously *Tangier* is situated to command the greatest Thorow-fare of Commerce in the World, and how by the advance of the Mold it is like to prove an excellent Receptacle for our Merchant Ships, to further and secure them in their Trading Voyages into the *Streights*, and for our Men of War, when they may be employed in those Parts, to check or oppose the *Turks* or other Enemies; how advantageous it is for carrying on a Trade with *Spain* in cases of extremity; and what hopes we have of opening a Trade into *Barbary* that way: I say, every one

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that will conſider theſe things, will, I ſuppoſe, have reaſon to conclude, that it is a Place of great Importance, and not to be ſlighted. And I cannot believe that it is any Nurſery for Popiſh Souldiers, as hath been argued; for it is well known under what a Regulation our Souldiers are, not only here in *England*, but in *Ireland* too, of taking ſuch Oaths and Teſts as ſecures them to be Proteſtants. And therefore I am confident they were not Papiſts when they went hence, or from *Ireland*; and I have not heard there is any ſuch Converſion made among them there, nor do believe there are ſo many Inſtruments there for that Work. If this Buſineſs come before you unſeaſonably at this time, it is becauſe the Neceſſity of the Affair requires haſte: For, either this Houſe muſt ſpeedily give ſome Aſſiſtance for *Tangier*, or elſe it will be loſt. For the *Moors* are come down with ſuch a mighty Army, and His Majeſty hath been at ſo great an Expence already, that He is not able of himſelf to do more to oppoſe them. And this ſudden Danger could not by any means have been foreſeen; for the Motions of the *Moors* with their Armies are not like thoſe of *Europe*, but more quick and ſudden, and their Deſigns and Conſultations out of the reach of any Diſcovery by Intelligence, before put in execution. This Notice is more ſeaſonable now, than it would have been after the Place had been loſt, which, I am afraid, will be the next News, if ſomething be not done by this Houſe to relieve it. And therefore I humbly move you to think of ſome effectual way to relieve it for the preſent, and ſecure it for the future againſt the like Attempts. Mr.

Mr. *Speaker*,

J. H. Sir, among the rest of the Regiments that have been sent to *Tangier*, I think there is my Lord of *Dumbarton's*, haply that air might have changed them, but I am sure they were lookt upon as rank Papists all the while they were here, and I believe in *Ireland* too. I have heard that one Argument that was lately given elsewhere against a Bill which we pass'd in this House, was that the Duke had all the Papists in *England* ready for his assistance, that his particular friends had the command of all the places of strength in this Nation, that he had an Army of Twenty-two Thousand men in *Scotland* at his Command, that in *Ireland* the Papists were six to one for the Protestants, and that most of the Princes of Christendom were Combined for his assistance; add to this, that the Government of *Tangier* is also at his Command, and I think we shall have no great reason to give Money as yet; I am very well satisfied, Sir, that we ought and must put a trust in the King, an Argument much used in former Parliaments, I do admire hath been so long forgotten in this. I am sensible too that this Nation cannot be happy, unless there be such an understanding between the King and his People, as that Money may be given. But, Sir, if the things I have repeated be true, as I am afraid they are, how shall we be sure that what Money we give, shall ever go to the King? *May it not be intercepted by the mighty power, we have been Speaking off?* May it not be a great temptation for carrying on the Plot, especially as to that part of it that refers to his sacred

life?

life? If there were no other reason to be given but this, why we cannot at this time give Money, *I think is enough; for there is a perfect contradiction between the King's Interest, and the Duke's Interest*; and until we see about the King persons less ingaged for the Duke's Interest, we cannot Answer the giving of Money; and I humbly move you, that the Committee may make this consideration part of their Address.

Mr. *Speaker*,

W. H. Sir, my Lord *Bellasis* hath not only been Governour of *Tangier*, but of *Hull* too, and what a place that is to be intrusted with a Papist, I refer to your consideration. And he was not only always in Places of great Trust, but in so great a Power, that none of the Laws of this Land could ever reach him. Only upon breaking out of the Plot, he was Committed to the *Tower*, but now that he is there, he hath so much Power, (he or his Friends for him) as that he hath all the liberty he can there desire; and farther, proceedings against him are kept off by Prorogations and Dissolutions of Parliaments. By which the Evidence of the most material Witnesses as to the Plot is lost, and great endeavours have not been wanting to corrupt or defame the rest. By which it is plain, though he be in the *Tower*, yet his Interest is not much abated, insomuch as many believe that the Dukes Interest, and Popery, is in a great measure carried on, upon consultations held with him and some of the rest in the *Tower*. At least this is certain, that they know all secrets of State almost as any persons without. And therefore I think we

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are not yet ripe to give Money for *Tangier*. And, Sir, I am of opinion that *Tangier* is a Nurſery for Popiſh Souldiers; amongſt the reſt, *I think Capt.* Tom. *is there who was to have headed the Apprentices Mutiny in* London; *and if I be not miſinformed a Capt. too for that intended eminent ſervice.* When we are aſſured that we ſhall have a good Proteſtant Governour and Garriſon in *Tangier*, then I ſhall heartily give my Vote for Money for it, but I am afraid that will never be, until we are ſure of a good Proteſtant Succeſſour at home. Sir, I ſee that new dangers ſtart up daily, and that the Popiſh Intereſt is ſtrong enough to bid defiance to the Proteſtants, the power and merits of the Duke being magnified frequently above the King's. How to prevent the growth of it I do not know; all that we can do at this time is, to appoint a Committee to draw up an Addreſs (as hath been moved) to repreſent things fairly to the King; and pray, Sir, let it be drawn with that duty and humility as becomes Subjects, *but with that truth and plainneſs as becomes a true* Engliſh *Houſe of Commons.*

Mr. *Speaker.*

E. D. Sir, I am very ſenſible of the Danger of Popery, and I am ſorry to ſee that our Danger is now greater, than it was ſeven days ago, ſeeing we are not like to have thoſe Laws to ſecure us, which we hoped for; and therefore I am not for entring into any debate about Money. But, Sir, ſeeing that *Tangier* is a place of ſo great importance, and in ſo great diſtreſs, and ſeeing his Majeſty hath ſo heartily and earneſtly recommended it to the

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care of this Houſe, as well by this Meſſage as by his Speech at the opening of this Parliament. I humbly conceive you will do well to order, that a true account be brought in of the ſtate of *Tangier*, that ſo it may be in a readineſs to be conſidered at a more leiſure time, when you have found out, and are aſſured that you ſhall have ſome expedients to ſecure you againſt Popery, that may ſatisfie this Houſe inſtead of the Exclusion-Bill. Some ſuch order may ſatisfie the World, that we were making all the haſte we could to ſupply it, that ſo the loſs of it (in caſe it ſhould ſo happen) may not be imputed to this Houſe. And I make no doubt but there may be ſome way found out, ſo to lodge and appropriate the Money, as that it may be ſecure for that uſe; and therefore I humbly move you that you would order, that an accompt of the State and Condition of *Tangier* may be brought in.

Mr. *Speaker*,

Col. B. Sir, I could wiſh our fears and jealouſies were either ſo inconſiderable or ſo well over, as that we were ripe to conſider the ſtate of *Tangier*, and into whoſe hands to lodge Money for it. But if our Bill be miſcarried, and the power and ſtrength of the Duke's Party be as I have heard, I think we ought in the firſt place to conſider, whether we have any thing to give or no. And if we find we have not, or that it is in great jeopardy, I think we ought firſt to ſecure that a little better, before we treat of ſecuring *Tangier*. I confeſs the Arguments that I hear have been uſed elſewhere againſt our Bill, have a little ſtartled me. For now I ſee why

all the Laws made againſt the *Duke* have proved ineffectual; and that, notwithſtanding all the Endeavours of Parliament, he hath had the Adminiſtration of all Affairs, not only in *England* and *Scotland*, but I think in *Ireland* too (if we believe the Iriſh Witneſſes,) even ſince the breaking out of the Plot: Even becauſe the Duke and the Popiſh Intereſt are, I am afraid, ſtrong enough for the King and the Proteſtant Intereſt. And if ſo, I think we may take it for granted, that we have not any thing of our own; for I conclude, if Popery come in, not only the Church-Lands, but all the Lands we have, will be little enough for them; for they will never want a good, holy, ſanctified, religious Pretence to take them from us: Rather than fail, I doubt not but that they will be able convincingly to make out, that we are Baſtards, or that they have a Right *Jure divino*; to which there can be no oppoſition.

Sir, I think we cannot anſwer to God nor Man the giving of Money, until there be a great Reformation all over the Nation, as to Perſons in Truſt and Command. Not but that there are very worthy Men in ſeveral Places; but I am afraid, no where, without being overpower'd by ſuch who are for the Dukes Intereſt: And, for my part, I deſire to ſpeak plain, *I cannot make any diſtinction between the Duke's Intereſt and the Popiſh Intereſt.* If there be any Body that can ſplit that Hair, I wiſh he would do the Houſe that ſervice; for I take it to be a material Point, and fit to be agreed ſome way. And if it be ſo, Sir, can we give Money, as long as there are eleven to ſeven in ſome places certainly

tainly known, and all in others, and in Places of great importance too?

Sir, I am very ſenſible that this Seſſion can never be ſucceſsful, nor the Nation happy, unleſs we come to have ſo fair an underſtanding with His Majeſty, as that we may freely give Him Money; which, ſeeing it cannot be done with any ſecurity to the King or His Government, as long as the great Affairs of this Nation are thus influenced, that there may be no juſt cauſe of having any imputation lie at our door, I agree in the motions that have been made for an Addreſs, and deſire it may be drawn very full and plain.

Mr. *Speaker*,

G. V. Sir, I am much afraid of *Tangier*, but more of a *Popiſh Succeſſor*. By the one we may loſe ſomething of Trade; but by the other, our Religion, and all we have, ſtands in danger. And therefore until we are ſecur'd as to that, for my own part, I do not think my ſelf concern'd in any thing elſe. Sir, for theſe two years laſt paſt there hath been talk of Expedients to ſecure us againſt Popery; I believe it was only to quiet our Thoughts, while Popery ſteals on upon us. For we are ſo far from having any Expedients brought to perfection, to ſecure us againſt Popery, that all Endeavours go on as much as ever to bring in Popery: Parliaments kept off; the Witneſſes, as to the Plots, both *Engliſh* and *Iriſh*, abuſed, and confuſed; the Church-men ſet up to labour for a Proſecution of the Diſſenters, in order to divide yet more the Proteſtant Intereſt; and falſe Witneſſes, in favour of Popery, countenanced and encouraged.

Sir, These are strange Expedients against Popery; I begin to be perswaded that our case is very desperate, and that the Popish Party themselves cannot contrive any thing for us that will look like an Expedient: For, I make no doubt, but the whole Cabal of *Jesuits* have been at work about it, and that they would have spawn'd something, if it had been possible, before now. But I believe it is found to be very difficult to find out any thing that will look like an Expedient, and yet not prove so: And therefore now they are plainly carrying on those things that must be prosecuted in order to establish Popery, in case the expectation of Expedients should not longer lull the People asleep: The ridiculing of the Plot, the Divisions between our Church-men and Dissenters, and the danger or inconsistency of Parliaments with a Monarchical Government. Which things will deserve a longer Debate, when you shall think good to appoint a Day for them. But, in the mean time, we cannot give Money, without endangering the Religion and Government of the Nation. But that we may always shew to his Majesty's Messages, that Respect which is due to them, and, if possible, satisfie him, that our Resolutions are grounded on true Reason, let a Committee be appointed to draw up an Address, upon the Debate of the House.

Mr. *Speaker*,

S. T. Sir, I think that no body should move you to take the State of *Tangier* into your Consideration at this time, without an Apology: For, if we should be perswaded thereto, we may be reflected on, as *Nero* was, *for being playing on his*

his Fiddle when Rome *was on fire.* When we are in ſuch danger to have our Throats cut from within, to what purpoſe will it be to ſpend our time about ſecuring things abroad; eſpecially when we plainly ſee, it cannot be effected by any Supplies, without encreaſing our Fears and Dangers of our Deſtruction? Is not all *England* in danger to be loſt? Let us ſecure the Ship before we diſpoſe of the Cabbins. When we are ſecure againſt a Popiſh Succeſſor, and the fear of having a Popiſh King, then it will be time to think of *Tangier:* For, as the Power of a Popiſh Succeſſor hath lately appear'd, in the Oppoſition made to our Bill, ſo, I make no doubt but it will appear in the Management of our Money too, if we ſhould give any: When the Stomach is clean, what Food a Man takes turns to Nutriment, and preſerves the Life and Strength of the Body; but when the Stomach is foul, Food turns to Humour and Deſtruction: Sir, ſo it is with the Body Politick; When the King ſhall be pleaſed to remove from him ſuch as give him ill Advice, and are againſt the Proteſtant Intereſt, that ſo we may have reaſon to preſume that the Money will be employed for our good, then I hope we ſhall be ready to ſhew our Duty, in giving as much Money as His Occaſions ſhall require; otherwiſe I am afraid we may be ſerved as we have been formerly. *I remember when* 1100000 l. *was given for Building of Ships, and not one Ship built; and above Two Millions given to ſupport the Triple League, and then it was preſently employed for the breaking of it; when* 1200000 l. *was given for an Actual War with* France, *when at the ſame time we were under all*

the Obligations for Peace, and ſo continued. Sir, theſe are ſuch material *Memento's* as we ought never to forget, until we have more cauſe to look forwards, and not backwards; which I pray God we may have very ſpeedily, and then I ſhall be ready to join in giving of Money, and be very well content to forget all that is paſt. But as yet I think our Condition is not ſo happy, but rather fear the Management of our Affairs is very much out of order: *For though we had never more Treaſurers, yet never leſs Money; never more Admirals, yet never a worſe Fleet; and though never more Counſellours, yet never leſs Safety.* Of which I hope His Majeſty is, or will be ſenſible. For, it cannot be imagined, that ſeeing he hath ſo much care for *Tangier*, he ſhould want any for the *Nation*. That we may do our Duty, in giving Him the beſt Advice we can, let us give him the Grounds and Reaſons of our Proceedings, by an Addreſs, as hath been moved.

Mr. *Speaker*,

Lord *R.* If ever there ſhould happen in this Nation any ſuch Change, as that *I ſhould not have liberty to live a Proteſtant, I am reſolved to die one*; and therefore would not willingly have the Hands of our Enemies ſtrengthned, as I ſuppoſe they would be, if we ſhould give Money while we are ſure it muſt go to the hands of the Duke's Creatrues. Doth not the Duke's Intereſt endanger the King's Life? and are not our Lives and Fortunes in danger to be ſwallowed up by his Power? and ſhall we yet make him ſtronger, by putting Money into their hands? No, Sir, they are too ſtrong already; but whenever His

Majeſty

Majeſty ſhall be pleaſed to free us of the danger of a Popiſh Succeſſor, and remove from his Council and places of Truſt, all thoſe that are for his Intereſt, (becauſe there can be no diſtinction made between the Duke's Intereſt and Popiſh,) then, Sir, I will conclude, that what Money we ſhall give, will be diſpoſed off according to his Majeſty's own Royal pleaſure, and for the true Proteſtant Intereſt. And I ſhall be ready to give all I have in the World, if his Majeſty ſhould have occaſion for it; but in the mean time I pray Sir, let us not endeavour to deſtroy our ſelves by our own hands. If we may not be ſo happy as to better the condition of the Nation, I pray Sir, let us not make it worſe. And until the King ſhall be pleaſed to give us incouragement to expreſs our Duty and Loyalty to him by giving him Money, let us do it by making an Addreſs.

Mr. *Speaker*,

W. L. Sir, I have reaſon to have ſome knowledge of *Tangier*, having been there my ſelf, and convers'd all my life time with Perſons that have gone up and down the *Streights* and been there many times, but I cannot agree with thoſe worthy Members that make it a place of ſo great importance. That we ſhall ever thereby open a Trade with the *Moors* is a mere *Chimera*; they will not have any Trade with us. All the hopes we can have of any advantage from it, is from the *Mold*, if it ſhould be finiſhed. But I am afraid we have ſeen the beſt of it, and that it will hardly ever be brought to more perfection than it is. But Sir, if it ſhould, in a time of peace with *Spain*, it will be of little uſe to us;

for the *Bay* of *Cadiz* is upon several accompts so much more convenient for Ships to stop at, that it will always be preferred. For they will not only have a safe riding, but the Merchants Ships great advantages, made by Fraight or Sales of Goods, which generally happens in that Port, and of good Company, whether going up or down the *Streights*. Our Men of War do not there want Conveniencies to Careen, or other necessaries, and will be then more ready to do the Nation service, by convoying Ships, than at *Tangier*, as also to carry on the money Trade. But it is true that in a time of a War with *Spain*, it would be very serviceable to us. But if it must cost 100000. *l. per annum*, and if a War with *Spain* be not like to happen one year in twenty, I am of opinion that the certain charge will amount to more than the uncertain inconveniency, and therefore that we need not be so extremely concern'd for it.

Mr. *Speaker*.

T. L. Sir, I should not have concern'd my self in this debate, but that I differ from that worthy Member that spoke last. For I think it would be a great blow not only to the Honour, but to the Trade of the Nation, if *Tangier* should be lost. For it will always be serviceable, as well for our Men of War to resort to for Provisions, and to be clean'd, in order to check the rapine of the *Turks*, or oppose other Enemies, as for the protection of our Merchant-men. In time of Peace with *Spain*, it will (if we have Enemies) be better have two Ports than one; in time of War with *Spain*, much better have this than none. And even in the time of Peace, it must

be

be ſerviceable upon many occaſions, becauſe of its Situation on the *Barbary* ſide as I take it, and *Cadiz* on the Chriſtian Shore, and both near the *Streights-Mouth*, the greateſt paſſage for Ships in the World. And by parting with it, we may not only be prejudiced for want of the conveniency of it, but by the great inconveniencies that may ariſe, by falling into the hands of the *French*, *Turks*, *Moors*, or *Spaniards*. And therefore I think the charge of maintaining it, muſt not be conſidered in this caſe, and it is not ſo much, but that if we could once fall into the way of ſending good Governors there, that would mind the promoting of Trade, haply the gains that might be levied thereon, would in ſome time prove ſufficient to maintain the Garriſon. And if we ſhould now part with it, we ſhould loſe the two Millions we have laid out on the *Mold*, which I think may alſo be worth our conſideration. Sir, I do well remember what a cry there was in this Nation, upon the delivery up of *Dunkirk* to the *French*; I believe if *Tangier* ſhould be delivered up there would be more, and I think not without cauſe too. For I am afraid, that whenever we may have a War with *France*, we ſhall find that he hath already too many locks upon us in the *Streights*, ſeeing he is ſo formidable at Sea. And I think if it were for no other reaſon but to ſecure the place out of his hands we ought to keep the poſſeſſion of this place.

Mr. *Speaker*,

L. T. Sir, by the diſcourſe which the worthy Member made which ſpoke laſt, I hope you are fully ſatisfied that *Tangier* is a place of great importance, and you may conclude that his Majeſty

jesty is clearly of that opinion, or else it is not likely that after he had recommended it to you in his Speech, he would now so soon have minded you of it again by his Message. And being so, I hope this House will not have the loss of it lie at their Doors, which I take for granted, will be the Fate thereof, if some Supply be not given for its support speedily. For his Majesty's Revenue will not bear the advancing of more Money towards it, the great supplies lately sent, having been very chargeable; and yet there must be an additional Supply, and that a considerable one too ere long, to make up the Garrison four thousand men, or else the Governour Writes he cannot be in a posture to defend the Town, the Army of the *Moors* is so Potent.

Sir, I have heard the many Reasons that have been given, why Money cannot be at present advanced, I cannot say without being much concerned to hear the Ministers so Arraigned, and I think without cause; For I believe there are none about his Majesty but what are very good Protestants, and willing to do all they can for that Interest: Which I hope upon a further consideration, will not be found to be in such apparent danger. But if there be any thing amiss (which in the management of so great Affairs, under such difficulties as the Nation hath lately strugled under) may possibly be, I am confident the loss of *Tangier* will no way remedy it; but on the contrary, the giving of Money for the support of *Tangier*, being his Majesty doth so earnestly desire it, is, I think the only way for this House to gain a good Opinion with his Majesty, and to obtain what they

they desire; and therefore I hope you will take it into your consideration.

Mr. *Speaker*,

Sir *F. W.* Sir, My apprehensions as to the State of the Nation, and danger of Popery, are no way abated by what this Honourable Member hath said, and therefore I think the business of *Tangier* looks too little for this Days debate. Especially if we consider how the Bill upon which all our hopes were grounded as to the security of our Religion hath been used by the Lords, thrown out, without so much as a conference, whereas they do not usually do so, with Bills that relate to some little trade. It is strange that after they have so often declared the danger of Popery, and a Popish Plot, *they will neither receive any remedy from us, nor propose any to us.* But rather on the contrary be so industrious to blast all our endeavours that tend that way; well may we be afraid of our Religion, *if the Fathers of the Church will join, in being against the only means that can save it.* These are fresh instances of the mighty power, and influence of a Popish Successor; what may we expect from them if we should have a Popish King? I think, Sir, if there were no other reason, it is enough to make us cautious how we give Money; and take such notice of in our Address as may be convenient.

Mr. *Speaker*,

Sir *W. T.* Sir, This debate hath more of weight in it, than the business of *Tangier*, I think.

think. As affairs now ſtand, the moſt part of Chriſtendom is concerned in it, I am ſure all the Proteſtants. And therefore I hope your patience will hold out, to have the whole Circumſtances of it fairly Examined: For the Arguments that have been offered in the conſideration of this Meſſage, have inlarged the debate further than was at firſt intended, and have brought the whole State of the Nation in ſome meaſure before you, inſtead of that one particular buſineſs of *Tangier*; ſo that now what Reſolve you make will be a Diſcovery of your Inclinations, not only as to what you intend to do as to a ſupply for *Tangier*, but as to giving Money for Alliances and all other occaſions, upon which reſult the good or bad ſucceſs of this Parliament doth depend. As to *Tangier*, I do agree with that worthy Member that ſpoke before, (though many are of a different Opinion) that it is not of any great uſe to us upon the account of any advantage we ſhall make by it. But however I think it is very well worth our keeping; becauſe of the diſadvantages we ſhould receive by it, if it ſhould fall into the hands either of the *Turk* or *Spaniard*, but eſpecially the *French*; who will not only be thereby enabled to fetter us, as to our Trade in the *Levant*, but to curb alſo all other Nations whatſoever; and be ſuch an addition to the too great Power he hath acquired, both by Sea and Land already, that I am of Opinion we ought to be very cautious how we weaken the Security we now have that it ſhall not fall into his hands. But if the Mold and the Town could be blown into the Air, or otherwiſe reduced into its firſt Chaos,

Chaos, I think, conſidering the charge it will coſt keeping, *England* would not be much the worſe for it; but to move you to conſider any thing about that, at this time, cannot be proper, becauſe the *Moors* have ſo beſieged it, that the firſt thing that muſt be done, whether in order to keep it or deſtroy it, is, to beat them off, by ſome ſpeedy Supplies which muſt be preſently ſent, or elſe the Town according to the beſt Information come from thence, is like to be loſt. And, Sir, I think this ſingle conſideration may be perſwaſive to move you to give ſome ſuch Supply as may be preciſely neceſſary for the defence and protection of this Place. A ſmall Sum of Money, in compariſon of what this Houſe hath formerly given, may be ſufficient to ſatisfie his Majeſty's expectation, and ſecure the Place too. But I muſt confeſs, Sir, it is not the conſideration of *Tangier* that makes me preſs you to it; but the deplorable Eſtate of the Proteſtants abroad. Sir, I have had the honour to ſerve his Majeſty in ſome publick Imployments, and by that means may be a little more ſenſible of the State of Affairs in reference to our Neighbours, than others may be, having not only had the advantage of Information, but was under a neceſſity of uſing my beſt endeavours to get a true accompt of them. Sir, *I am confident the Eyes of all* Europe *are upon this Parliament, and not only the Proteſtants abroad, but many Catholick Countries (who ſtand in fear of the Power of* France) *do think themſelves as much concerned in the Succeſs of this Parliament, as this Houſe, and will be as much perplexed to hear any ill news there-*

of

of. This, Sir, as well as the neceſſities of our Affairs at home, make me trouble you at this time, to deſire you to be careful what you do, that we may not occaſion in his Majeſty any diſlike to this Houſe. Whatever you do as to the buſineſs of Money for *Tangier*, I pray, Sir, let there be no notice taken in your Addreſs, of the Lords having caſt out your Bill, for we have no reaſon to think the King was any ways concern'd therein. To throw out a Bill of ſo great importance, without a conference, was in my humble opinion very ſtrange, and contrary to the uſual proceedings of that Houſe. But pray, Sir, let it lie at their Doors that did it, for the King could not be concern'd in a Parliamentary way. For by this means we may obviate all miſunderſtandings with his Majeſty about this Affair, and I hope, create in him a good opinion of this Houſe, upon which the welfare not only of this Nation but of *Europe* doth much depend.

Sir, His Majeſty in his Meſſage puts you in mind of giving advice as well as Money, I think if we make that expreſſion, the ground of our Addreſs, we may Naturally graft very good things thereon, eſpecially what may conduce to the preſervation of a fair Correſpondence. Sir, *Though a King alone cannot ſave a Kingdom, yet a King alone can do very much to Ruin* it; *and though Parliaments alone cannot ſave this Kingdom*, yet Parliaments alone may do much to Ruin it. And therefore we cannot be too circumſpect in what we do. It is our Fortune to ſit here in a *Critical* time, when not only the Affairs of this Nation, but the Proteſtant Religion abroad

need

need our continuance, and for the ſame reaſon we may juſtly fear that there are thoſe who endeavour to contrive the putting off this Parliament. I pray, Sir, let us not give them any advantage, and then I doubt not but his Majeſty's care and goodneſs, will at laſt overcome all difficulties, and bring this Seſſion to a happy Concluſion.

Mr. *Speaker*,

E. D. Sir, I think his Majeſty may eaſily ſend ſuccour to *Tangier* without any great charge. Here are three or four Regiments of Souldiers about this Town which do rather hurt than good to the Nation, and therefore may very well be ſpared, and then that Money which pays them now here, may pay them there, and ſo I ſuppoſe there will be no need of Money, ſave only for their Tranſportation.

Mr. *Speaker*,

P. Sir, This buſineſs hath been ſo long and fairly debated, as that I think it is high time you ſhould come to a queſtion, and put the buſineſs off your hands. I hope there will be great care taken in drawing this Addreſs, that ſo our Enemies may not have any ground to repreſent us as a ſtubborn Parliament, that have no intention to give Money upon any Terms whatſoever. I think Sir, we may be plain with his Majeſty, and give him as full aſſurance as ever any Houſe of Commons did, that when we have thoſe things granted, which are unavoidably neceſſary for the preſervation of our Religion, that we will freely and heartily give Money for the ſupply of his occaſions, and I cannot but hope, that ſuch fair proceed-

ings

ings will occaſion a happy Iſſue to this Parliament. For it cannot be doubted, but that the King is very ſenſible, *That he owes more to his people in general, than to any one man, be he Brother or any other Relation, and that he cannot without much trouble to himſelf, becauſe of his Coronation-Oath, longer permit that our Laws and Religion ſhould be in ſuch imminent danger.* And therefore I hope that we ſhall not only have a fair Correſpondency continued, but alſo a gracious compliance in what we have deſired for the effectual ſecurity of our Religion, and therefore would deſire you to put the queſtion for a Committee.

Reſolved, *That a Committee be appointed to draw up an Addreſs to be preſented to his Majeſty upon the debate of the Houſe, humbly repreſenting to his Majeſty the dangerous State and Condition of the Kingdom, in Anſwer to his Majeſty's Meſſage.*

The Humble Addreſs of the *Commons* in Parliament Aſſembled.

May it pleaſe your moſt
Excellent Majeſty,

WE *Your Majeſty's moſt Obedient and Loyal Subjects, The Commons in Parliament Aſſembled, having with all Duty and regard taken into our Serious Conſideration Your Majeſty's late Meſſage relating to* Tangier, *cannot but account the preſent Condition of it, as Your Majeſty is pleaſed to repreſent it in Your ſaid Meſſage, (after ſo vaſt a Treaſure expended to make it uſeful) not only as one Infelicity more added to the afflicted Eſtate of Your Majeſty's faithful and Loyal Subjects, but as one reſult alſo of the ſame Counſels and Deſigns which have brought Your Majeſty's Perſon, Crown and Kingdoms into thoſe great and imminent Dangers, with which at this day they are ſurrounded; And we are the leſs ſurprized to hear of the Exigencies of* Tangier, *when we remember that ſince it became part of your Majeſty's Dominions, it hath ſeveral times been under the Command of Popiſh Governors, (particularly for ſome time under the Command of a Lord Impeached, and now Priſoner in the* Tower *for the Execrable and Horrid Popiſh Plot) That the Supplies ſent thither have been in great part made up of Popiſh Officers and Souldiers, and that the* Iriſh *Papiſts amongſt the Souldiers of that Garriſon, have been the Perſons moſt Countenanced and Encouraged.*

To that part of your Majesty's Message which expresses a reliance upon this House for the support of Tangier, and a recommendation of it to our speedy care, We do with all humility and reverence give this Answer, That although in due Time and Order, we shall omit nothing incumbent on us for the preservation of every part of your Majesty's Dominions, and advancing the prosperity and flourishing Estate of this Kingdom; yet at this time, when a Cloud which has long threatned, this Land is ready to break upon our heads in a storm of Ruine and Confusion, to enter into any further consideration of this matter, especially to come to any Resolutions in it, before we are effectually secured from the imminent and apparent Dangers arising from the Power of Popish Persons and Councils, We humbly conceive will not consist either with our Duty to Your Majesty, or the Trust reposed in us by those we represent.

It is not unknown to your Majesty how restless the Endeavours, and how bold the Attempts of the Popish Party, for many Years last past, have been, not only within this, but other your Majesty's Kingdoms, to introduce the Romish, and utterly to extirpate the true Protestant Religion. The several Approaches they have made towards the compassing this their Design (assisted by the Treachery of perfidious Protestants,) have been so strangely successful, that it is matter of Admiration to us, and which we can only ascribe to an Over-ruling Providence, that your Majesty's Reign is still continued over us, and that we are yet assembled to consult the means of our Preservation. This bloody and restless Party, not content with the great Liberty they had a long time enjoyed, to exercise their own Religion privately amongst themselves, to partake of an equal Freedom of their Persons and Estates with your Majesty's Protestant Subjects, and of an Advantage above them, in being excused

from

from chargeable Offices and Employments, hath ſo far prevailed, as to find countenance for an open and avowed practice of their Superſtition and Idolatry, without controul, in ſeveral parts of this Kingdom. Great ſwarms of Prieſts and Jeſuits have reſorted hither, and have here exerciſed their Juriſdiction, and been daily tampering to pervert the Conſciences of your Majeſty's Subjects. Their Oppoſers they have found means to diſgrace, and if they were Judges, Juſtices of the Peace, or other, Magiſtrates, to have them turned out of Commiſſion; and in contempt of the known Laws of Land, they have practiſed upon People of all Ranks and Qualities, and gained over divers to their Religion; ſome openly to profeſs it, others ſecretly to eſpouſe it, as moſt conduced to the ſervice thereof.

After ſome time they became able to influence matters of State and Government, and thereby to deſtroy thoſe they cannot corrupt. The continuance or Prorogation of Parliaments has been accommodated to ſerve the Purpoſes of that Party. Money raiſed upon the People to ſupply your Majeſty's extraordinary Occaſions, was by the prevalence of Popiſh Councils imployed to make War upon a Proteſtant State, and to advance and augment the dreadful Power of the French King, *though to the apparent hazard of this, and all other Proteſtant Countries. Great numbers of your Majeſty's Subjects were ſent into, and continued in the ſervice of that King, notwithſtanding the apparent Intereſt of your Majeſty's Kingdoms, the Addreſſes of the Parliament, and your Majeſty's gracious Proclamations to the contrary. Nor can we forbear to mention, How that at the beginning of the ſame War, even the Miniſters of* England *were made Inſtruments to preſs upon that State, the acceptance of one demand, among others, from the* French King *for procuring their Peace with him,*

that they should admit the publick exercise of the Roman Catholick Religion in the United Provinces, the Churches there to be divided, and the Romish Priests maintained out of the publick Revenue.

At home, if Your Majesty did at any time by the Advice of Your Privy Council, or of Your two Houses of Parliament, Command the Laws to be put in Execution against the Papists, even from thence they gained advantage to their Party, while the edge of those Laws was turned against Protestant Dissenters, and the Papists escaped in a manner untoucht. The Act of Parliament, enjoining a Test to be taken by all Persons admitted into any Publick Office, and intended for a security against Papists coming into Employment, had so little effect, that either by Dispensation, obtained from Rome, *they submitted to those Tests, and held their Offices themselves, or those put in their places were so favourable to the same Interests, that Popery it self has rather gained than lost ground since that Act.*

But that their business in hand might yet more speedily and strongly proceed, at length a Popish Secretary (since Executed for his Treasons) takes upon him to set afoot and maintain correspondencies at Rome *(particularly with a Native Subject of Your Majesty's, promoted to be a Cardinal) and in the Courts of other Foreign Princes (to use their own form of Speech) for the subduing that Pestilent Heresie, which has so long domineer'd over this Northern World; that is, to Root the Protestant Religion out of* England, *and thereby to make way the more easily to do the same in other Protestant Countries.*

To-

Towards the doing of this great worke, (as Mr. Coleman *was pleased to call it) Jesuits (the most dangerous of all Popish Orders to the Lives and Estates of Princes) were distributed to the several Precincts within this Kingdom, and held joint Councils with those of the same Order in all Neighbour Popish Countries: Out of these Councils and Correspondencies was hatcht that damnable and hellish Plot, by the good Providence of Almighty God brought to light above two Years since, but still threatning us; wherein the Traitors impatient of longer delay, reckoning the prolonging of Your Sacred Majesty's Life (which God long Preserve) as the Great Obstacle in the way to the Consummation of their hopes, and having in their prospect a Proselyted Prince immediately to succeed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of your Majesty, to carry it on with Armed Force, to destroy your Protestant Subjects in* England, *to Execute a second Massacre in* Ireland, *and so with ease to arrive at the Suppression of our Religion, and the Subversion of the Government.*

When this accursed Conspiracy began to be discovered, they began the smothering it with the Barbarous Murher of a Justice of the Peace, within one of your Majesty's own Palaces, who had taken some Examinations concerning it.

Amidst these distractions and fears, Popish Officers, for the command of Forces, were allowed upon the Musters by special orders (surreptitiously obtained from your Majesty) but Counter-signed by a Secretary of State, without ever passing under the Tests prescribed by the aforementioned Act of Parliament. In like manner above fifty new Commissions

ſions were granted about the ſame time to known Papiſts, beſides a great number of deſperate Popiſh Officers, though out of Command, yet entertained at half pay. When in the next Parliament the Houſe of Commons were prepared to bring to a legal Trial the principal Conſpirators in this Plot, that Parliament was firſt Prorogued, and then Diſſolved. The Interval between the Calling and Sitting of this Parliament was ſo long, that now they conceive hopes of covering all their paſt Crimes, and gaining a ſeaſonable time and advantages of practiſing them more effectually.

Witneſſes are attempted to be corrupted, and not only promiſes of Reward, but of the Favour of your Majeſty's Brother, made the Motives to their Compliance. Divers of the moſt conſiderable of Your Majeſty's Proteſtant Subjects, have Crimes of the higheſt nature forged againſt them, the Charge to be ſupported by Subornation and Perjury, that they may be deſtroyed by Forms of Law and Juſtice.

A Preſentment being prepared for a Grand-Jury of Middleſex, *againſt Your Majeſty's ſaid Brother the Duke of* York, *(under whoſe Countenance all the reſt ſhelter themſelves) the Grand-Jury were in an unheard of, and unpreſidented, and illegal manner diſcharged, and that with ſo much haſte and fear, leſt they ſhould finiſh that* Preſentment, *that they were prevented from delivering many other* Indictments *by them at that time found againſt other Popiſh Recuſants. Becauſe a Pamphlet came forth Weekly, called,* The Weekly Packet of Advice from Rome, *which expoſes Popery (as it deſerves) as ridiculous to the People, a new and arbitrary Rule of Court was made in Your Majeſty's Court of King's*

Bench

Bench (*rather like a* Star-Chamber, *than a Court of Law*) *That the ſame ſhould not for the future be Printed by any Perſon whatſoever.*

We acknowledge Your Majeſty's Grace and Care in iſſuing forth divers Proclamations ſince the Diſcovery of the Plot, for the Baniſhing Papiſts from about this great City, and Reſidence of Your Majeſty's Court, and the Parliament; but with trouble of Mind we do humbly inform Your Majeſty, That notwithſtanding all thoſe Prohibitions, great Numbers of them, and of the moſt dangerous Sort, to the Terror of Your Majeſty's Proteſtant Subjects, do daily reſort hither, and abide here. Under theſe and other ſad Effects and Evidences of the Prevalency of Popery, and its Adherents, We Your Majeſty's Faithful Commons found this Your Majeſty's Diſtreſſed Kingdom, and other Parts of Your Dominions labouring, when we aſſembled.

And therefore from our Allegiance to Your Majeſty, our Zeal to our Religion, our Faithfulneſs to our Country, and our Care of Poſterity, *We have lately, upon mature Deliberation, propoſed One Remedy of theſe Great Evils, without which (in our Judgments) all others will prove vain and fruitleſs, and (like all deceitful Securities againſt certain Dangers) will rather expoſe Your Majeſty's Perſon to the greateſt hazard, and the People, together with all that's valuable to them as Men or Chriſtians, to utter Ruine and Deſtruction. We have taken this occaſion of an Acceſs to Your Majeſty's Royal Preſence, humbly to lay before Your Majeſty's great Judgment and Gracious Conſideration this moſt dreadful Deſign of Introducing Popery, and, as neceſſary Conſequences of it, all other Calamities, into Your Majeſty's Kingdoms. And if after all this, the*

the private Suggestions of the subtile Accomplices of that Party and Design should yet prevail, either to Elude or Totally Obstruct the faithful Endeavours of Us Your Commons for an happy Settlement of this Kingdom, we shall have this remaining Comfort, That we have freed our selves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sacred Majesty, That by Your Great Wisdom and Goodness, we may be effectually secured from Popery, and all the Evils that attend it; and that none but Persons of known Fidelity to your Majesty, and sincere Affections to the Protestant Religion, may be put into any Employment, Civil or Military; that whilst we shall give a Supply to Tangier, *we may be assured we do not Augment the Strength of our Popish Adversaries, nor increase our own Dangers. Which Desires of Your faithful Commons, if Your Majesty shall graciously vouchsafe to grant, we shall not only be ready to assist Your Majesty in Defence of* Tangier, *but do whatsoever else shall be in our Power to enable Your Majesty to Protect the Protestant Religion and Interest, at Home and Abroad, and to Resist and Repel the Attempts of Your Majesty's and the Kingdoms Enemies.*

The 13th *of* November, 1680.

November 13. 1680.

Several perſons Examined about the diſmiſſing of a Grand-Jury in Middleſex.

Mr. *Speaker*,

Sir W. J. SIR, The preſervation of the Government in general, as well as our particular ſafeties, have a dependance upon the matter that is now before you, in which there are ſo many Miſcarriages ſo complicated, as there ariſeth ſome difficulty how to Examine them. I cannot but obſerve, how the Proclamation is here again mentioned; by which you may conclude, there lieth a great weight on the peoples right to Petition by means thereof, and that the beſt way to remove it, is to find out the Adviſers and Contrivers of that Proclamation, in order to proceed againſt them according to their deſerts. Without which, what you have done in aſſerting the Right of Petitioning, will remain with ſome doubt; and thoſe that adviſed the proclaiming to the people, that it is Seditious to Petition the King, without that chaſtiſement they deſerve. And therefore I humbly conceive, you will do well to conſider of it as ſoon as you can. It is no ſtrange, that the *Proclamation* ſhould be made uſe of with Country-*Gentlemen*, to get Abhorrers to Petitioning, ſeeing the Judges themſelves have made uſe of it to that purpoſe. *They ſhould have known, that though a Proclamation might be of great uſe, to intimate the obſervation of a Law, yet that it had never been uſed*

instead of a Law. But yet I do not admire so much at this, as I do at the Discharge of the Grand-Jury, before they had finished their Presentments. *It tends so much to the Subversion of the establisht Laws of this Land, that I dare pronounce, that all the Laws you have already, and all that you can make, will signifie nothing against any great man, unless you can remedy it for the future.* I observe, there were two Reasons why this Grand-Jury were so extrajudicially discharged; one because they would otherwise have presented the Duke of *York* for a Papist; the other, because they presented a Petition to be delivered to the King for the Sitting of the Parliament, which they said it was not their business to deliver. Though I cannot but observe, how upon other occasions they did receive Petitions, and deliver them to the King; *and all the difference was, that the Petitions so delivered, were against sittings of Parliaments.* The truth is, I cannot much condemn them for it; for if they were guilty of such Crime as the Witnesses have this day given you information of, I think they had no reason to further Petitions for the sitting of a Parliament. But, Sir, this business will need a further Information, and therefore I humbly pray it may be referred to a Committee.

Mr. *Speaker*,

Sir *F. W.* Sir, I think we are come to the old times again, *When the Judges pretended they had a rule of Government, as well as a rule of Law*; and that they have acted accordingly. If they did never read *Magna Charta*, I think they are unfit to be Judges; if they have read *Magna Charta*, and do thus so contrary, they deserve a severe chastisement. To Discharge Grand-Juries of purpose to dis-

disappoint them of making their Presentments, is to deprive the Subject of the greatest benefit and security the Law hath provided for them. *If the Judges instead of acting by Law, shall be acted by their Ambition, and endeavour to get promotions rather by worshipping the rising Sun, than by doing Justice,* this Nation will soon be reduced to a miserable condition. Suppose that after the Discharge of this Grand-Jury, some person had offered to present some Murther, Treason, or other Capital Crime, for want of the Grand-Jury, there would have been a failure of Justice. As faults committed by Judges are of more dangerous consequence than others to the Publick; so there do not want Presidents of severer Chastisements for them than for others. I humbly Move you first to pass a Vote upon this business of Discharging Grand-Juries, and then to appoint a Committee to examine the Miscarriages of the Judges in *Westminster-hall*, and to Report the same with all speed to you.

Mr. *Speaker*.

S. T. Sir, As it hath been observed that this business hath some reference to the Proclamation, so I believe there is something of the Plot in it too. And therefore I think if *this Plot do not go on, it will have the worst luck that ever Plot had*; seeing the Judges, as well as most other persons in publick places, have given it as much assistance as they well could. But whereas some have spoken ill of these Judges, I desire to speak well of them in one thing; I am confident they have herein shewed themselves grateful to their Benefactors; for I do believe that some of them were preferr'd to their places of purpose, because they should do what they have done. Laws of themselves are but

but dead Letters: unless you can secure the execution as well of those you have already, as of those you are now making, we shall spend our time to little purpose. Therefore I second the Motion that hath been made for a Vote, to declare the sense of the House as to the Discharging of Grand-Juries, and for referring the farther Examination to a Committee.

Mr. *Speaker*,

W. S. Sir, The business of this Debate, is a great instance of our sick and languishing condition. As our Ships, Forts and Castles are for securing us from the danger of our Enemies from abroad, so our Laws from our Enemies at home; and if committed to such persons as will turn their strength upon us, are equally dangerous. Sir, *We all know how the Government of* Scotland *hath been quite altered since His Majesty's Restauration, by new Laws made there; pray let us have a care that ours be not altered by the Corrupt Proceedings of Judges, lest we be reduced to the same weak condition of defending our selves against Popery and Arbitrary Government here, that they are there.* If Judges can thus prevent the Penalties of the Law, by discharging Grand-Juries before they have made their Presentments, and can make Laws by their Rules of Court, I think the Government may soon be subverted; and therefore that it is high time for this House to speak with those Gentlemen. In former times several Judges have been Impeached, and Hanged too, for less Crimes than these; and the reason was, because they had *broke the King's Oath to all to their own!* If what hath been said of some of these Judges be fully proved, they shall not want my Vote to inflict on them the same Chastisement.

The

The truth is, Sir, I know not how the ill conſequences we juſtly fear from Judges, can be prevented, as long as they are made *durante bene placito*, and have ſuch dependancies as they have. But this muſt be a work of time. In order to remedy our preſent grievances, let us paſs a Vote upon this buſineſs of Diſcharging Grand-Juries, and that it may be penn'd as the caſe deſerves, if you pleaſe, let it be drawn up by a Committee that may withdraw for that purpoſe; and let there be alſo one appointed to Examine the Miſcarriage of the Judges.

Mr. *Speaker*,

H. P. Sir, I would beg leave to obſerve to you, becauſe I think it may be neceſſary to be conſidered by your Committee, what an opinion was given not long ſince by ſome of theſe Judges about Printing; which was, that Printing of News might be prohibited by Law, and accordingly a Proclamation iſſued out. I will not take on me to cenſure the Opinion as Illegal, but leave it to your further conſideration. But I remember there was *a Conſultation held by the Judges a little before, and they gave their Opinion, that they knew not of any way to prevent Printing by Law, becauſe the Act for that purpoſe was expired. Upon which ſome Judges were put out, and new ones put in, and then this other Opinion was given.* Theſe things are worthy of a ſerious Examination. For if Treaſurers may raiſe Money by ſhutting up the Exchequer, borrowing of the Bankers, or Retrenchments, and the Judges make new Laws by an ill Conſtruction, or an ill Execution of old ones; I conclude, That Parliaments will ſoon be found uſeleſs, and the Liberty of the people an inconvenience to the Government.

And therefore I think, Sir, you have been well Moved to endeavour to pass your censure on some of these Illegal proceedings by a Vote, and to refer the further consideration to a Committee.

Resolved, *That the Discharging of a Grand-Jury by any Judge, before the end of the Term, Assizes, or Sessions, while matters are under their consideration, and not presented, is Arbitrary, Illegal, destructive to publick Justice, a manifest violation of his Oath, and is a means to subvert the Fundamental Laws of this Kingdom.*

Resolved, *That a Committee be appointed to examine the proceedings of the Judges in* Westminster-hall, *and Report the same with their Opinion thereon to this House.*

December 15. 1680.

The House being Summoned by the Black-Rod to the Lords House, His Majesty made a Speech to them, and then they returned to their own House.

His Majesty's most Gracious Speech to both Houses of Parliament, on Wednesday the 15th of *December*, 1680.

My Lords and Gentlemen,

AT the Opening of this Parliament, I did require you with the Alliances I had made with Spain and Holland, as the best Measures that could be taken for the Safety of England, and the Repose of Christendom.

Be

But I told you withal, that if our Friendſhip be
come unſafe to truſt to, it would not be wondred at, if
Our Neighbours ſhould begin to take new Reſolutions,
and perhaps ſuch as might be fatal to Us.

I muſt now tell you, That Our Allies cannot but ſee
how little has been done ſince this Meeting, to encour age
their dependance upon Us: And I find by them, that
unleſs We can be ſo united at home, as to make Our
Alliance valuable to them, it will not be poſſible to hin-
der them from ſeeking ſome other Refuge, and making
ſuch new Friendſhips, as will not be conſiſtent with Our
Safety. Conſider, that a neglect of this Opportunity is
never to be repaired.

I did likewiſe lay the matter plainly before you,
concerning the ſtate and condition of Tangier. I muſt
now tell you again, That if that place be thought worth
the keeping, you muſt take ſuch conſideration of it, that
it may be ſpeedily ſupply'd; it being impoſſible for Me
to preſerve it at an Expence ſo far above My power.

I did promiſe you the fulleſt ſatisfaction your hearts
could wiſh, for the Security of the Proteſtant Religi-
on, and to concurr with you in any Remedies, which
might conſiſt with preſerving the Succeſſion of the Crown
in its true and legal courſe of Deſcent: I do again,
with the ſame Reſervations, renew the ſame Promiſes to
you.

And being thus really on My part to do all that can
reaſonably be expected from Me, I ſhould be glad to
know from you, as ſoon as may be, how far I ſhall be
aſſiſted by you, and what it is you deſire from Me.

Mr. Speaker,

W. G. Sir, I would willingly Move you to appoint a day to conſider of His Majeſty's Speech now made to both Houſes, becauſe it is according

to the uſual Methods of Parliament; and I ſhould be ſorry to ſee this Houſe ſhew leſs reſpect to His Majeſty's Speeches, than former h.ve done. But upon hearing it now Read, I do conclude, that it will be to little purpoſe to appoint a day for the conſideration of it, becauſe every Paragraph of it tends to Money, unleſs that about ſecuring Religion, if it may be ſo underſtood, notwithſtanding the Reſervation in it about the Succeſſion. We have already endeavoured by ſeveral Addreſſes we have made, to aſſure His Majeſty of our Loyalty and readineſs to promote whatever may tend to his Happineſs and Greatneſs; and that when we are ſecured of our Religion, we will readily give Money: we can do no more than confirm the ſame, after we have conſidered this Speech. We having not yet had any incouragement to give Money, we have made ſeveral Addreſſes for relief of ſome Grievances the people lie under, but hath any one of them been granted? We have finiſhed one Bill againſt Popery, but what ſucceſs hath it had elſewhere? thrown out as haſtily rs if it had carried a fire-ball with it. And yet now it ſeems there is nothing to be done but giving of Money; as if all our complaints were granted, the Proteſtant Religion ſecured, and nothing wanting to ſatisfie the people. Sir, I think the complaints of the Nation, as to the danger of Popery, are ſo great, and ſo reaſonably grounded, as that it cannot be expected they ſhould longer be ſatisfied with words or pretences, becauſe we have met with many diſappointments, eſpecially after giving of Money. And therefore conſidering the deſperate caſe we are in, it will not be convenient we ſhould go that way now, but keep our Money until we have got

Laws. Which, I think, is the beſt ſervice we can do thoſe who ſent us here, as the caſe ſtands. For theſe reaſons, I think, we had beſt adjourn the Conſiderations of this Speech to ſome other time.

Mr. *Speaker*,

S. T. Sir, we have been long jealous that there are people that endeavour to create a Miſunderſtanding between His Majeſty and this Houſe; which it is our buſineſs to prevent. If there be a difference between two men, and the one will not hear what the other offers, but be utterly againſt all Propoſals, it would be hard to reconcile two ſuch perſons, Treaties and Debates being a proper way to come to a fair underſtanding. It is true, moſt of the Paragraphs of his Majeſty's Speech are Memento's about Money; but in the Concluſion he is pleaſed to tell you, That he deſires to know how far he ſhall be aſſiſted by us, and what it is that we deſire from him. Sir, I think this is a fair ſtep towards coming to a right underſtanding; for I am apt to believe, that if the King knew how reaſonable the things are that we deſire of him, and how ready we are to give him all the aſſiſtance he can deſire for the ſupport of the Government, that we ſhould not long continue under theſe miſunderſtandings; and therefore I humbly move you to appoint a day to conſider his Majeſty's Speech.

Reſolved, *That this Houſe will on Saturday-morning next take into conſideration his Majeſty's gracious Speech this day made to both Houſes of Parliament.*

The

The House then resolved into a Grand Committee how to secure the Kingdom against Popery and Arbitrary Government. Mr. Powle *in the Chair.*

Ld. *C.* Sir, when I consider the Immunities and Advantages we enjoy by the excellent composure of our Government both in Church and State, how the King as Sovereign, enjoys all the Prerogative that can be necessary to make him either great or happy, and the People all the Liberty and Priviledge that can be pretended for their encouragement to be industrious, and for securing to themselves and Posterities the enjoyment of what they get by their industry. How the Doctrine of the Church is void of Idolatrous, superstitious Opinions, and the Government of Tyranny or absolute Dominion; I cannot but admire that there should be any body amongst our selves that should aim at any alteration, and be the occasion of this days Debate. But, Sir, it is too evident that such there are, and that they have made a great advance to effect there design, by many contrivances which they have pursued for a long course of years, according to the Results and Consultations held by Jesuits for that purpose: But above all, by converting to their Religion *James* Duke of *York*, the presumptive Heir of the Crown, and by engaging him to espouse their interest with that zeal and fervency which usually attends new Converts; especially when so great a glory is proposed as the rooting out of a pestilent Heresie out of three Nations, and the saving of so many Souls as would depend thereon. The sad effect of this Conversion we have felt for many years, it having had the same operations in our Body Politick, as some sorts of lingring

lingring Poiſon hath in Bodies Natural; made us ſick and conſumptive, by infecting and corrupting all the food and Phyſick which hath been applied in order to reduce us to Popery and ſlavery, worſe than death it ſelf. From this fatal act the declination of the Grandeur of this Monarchy may be dated, and to the conſequences thereof its abſolute ruine (if not timely prevented) will be hereafter attributed. This being our caſe, I could not but admire to ſee this Houſe ſo long a-coming to conſider this weighty point; inſomuch, that I began to perſwade my ſelf, that either our dangers were not ſo great as our diſcourſes upon ſome other occaſions had repreſented them, or that we were not in good earneſt to endeavour any redreſs. It is true, when we conſider what ill fortune we have had with our Bill lately ſent up to the Houſe of Lords, in having it thrown out in ſuch a heat without ſo much as a Conference, (though whenever they ſhall conſider of it in cool bloud, they will find there can be no other way to ſecure the Proteſtant Religion) we may with ſome reaſon be diſcouraged. But I hope, Sir, that ſeeing our Country have thought us worthy to be their Repreſentatives, we ſhall not be ſo eaſily daunted in what ſo nearly concerns them, but be as indefatigable in finding out ways for our preſervation, as our Enemies are to find out means for our deſtruction; hoping we ſhall not meet always ſo bad ſucceſs in the Houſe of Lords: For *though the too much kindneſs of ſome men who pretended to be for the Bill, but underhand made a party againſt it*, did this time *operate as fatally as Enmity diſguiſed in Friendſhip uſeth to do*, yet I hope that in another occaſion we may have better ſucceſs; not doubting

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ing but a great many Lords, when they are perſwaded that they ſhall not be able to find out any other way (as I hear they begin to diſpair they ſhall) to ſecure the Proteſtant Religion, that they will join with us in the ſame, or ſome other Bill to the ſame purpoſe: Eſpecially my good Lords the Biſhops, who cannot be preſumed to have made peace with *Rome*, but to be ready to die for the Proteſtant Religion, and therefore doubtleſs will not long ſtick at joining in a Bill to ſave it. But ſeeing that according to the courſe of Parliaments we are not like to bring this to a trial for a long time, I am of opinion we had beſt try ſomething elſe; and although I know not what other Act can be made to ſerve inſtead of that, but will either prove too weak or too ſtrong; yet ſeeing we are put upon it, we muſt try, that ſo we may not be repreſented as ſtubborn. And therefore I humbly move you that a Bill may be brought in for the Aſſociation of all his Majeſty's Proteſtant Subjects.

R. M. Sir, Great things are expected from this days Debate, and we could not well have entred into it ſooner; it now comes more ſeaſonable than it would have done before, becauſe of the opportunities we have had to feel the Pulſe of affairs, ſince the beginning of the Seſſion, and the time we have ſpent in aſſerting the right of Petitioning, by which the eſſence of Parliaments, and the foundation of the Peoples Liberties were ſtruck at. And the trial of my Lord *Stafford*, and the Diſinheriting-Bill could not poſſibly have been avoided. And as our labour hath not been loſt in all, ſo I hope that at laſt we ſhall have ſome benefit of that ſpent about the Succeſſion-Bill. For as it was ſaid

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at the paſſing of the Bill, that there were a Loyal party that would never acquieſce in it; ſo I do believe there is a true Proteſtant-party that will never acquieſce in any thing leſs than what may be ſufficient for the ſecurity of their Religion, which I am apt to believe will end in that Bill. But in the mean time, that we may ſhew that we are not humoriſts, let us try what ſtrength we can muſter up to oppoſe theſe great Enemies by ſome other Laws; as when a Houſe is on fire we make uſe of Buckets and Tubs for caſting of water, until the great Engines can be got. But I would move you to be cautious what you do, for I am afraid that the deſign of putting you upon finding out Expedients is not in order to have any thing done that may be effectual againſt Popery, but in order to have you offer at ſomething that may purchaſe a diſrepute on the Houſe, and give your Enemies an advantage to purſue their deſigns of breaking us, by alleadging that you aim at Laws that will overturn the *Government*. For my part, I am fully perſwaded that this is the deſign of thoſe that have put the *King* ſo often to declare againſt *altering the Succeſſion*, and to recommend other ways; and that offer at what you will, if it be any thing that is like to prove ſtrong enough to ſecure us againſt Popery, that you will ſee the Houſe put off before it come to any perfection, and that in time it will be made uſe of to arraign the Proceedings of Parliament, and to perſwade the people that this Houſe did attempt to alter the Government by ſuch and ſuch Bills, and ſo by degrees poſſeſs the people that *Parliaments* are either dangerous, or inconſiſtent with the *Government*; that if poſſible they may be well content to be with-

without them. Sir, I am afraid that the Popish party are more serious in this design than we are aware of; and that next to the great endeavours they have used for many years to keep up our divisions in points of Religion, the next great Artifice which they depend on, is the infusing into the people the dislikes of *Parliaments*: for they well know that *Popery* can never be established in this Nation as long as *Parliaments* are permitted to sit and act. Therefore, though I know it is below a *House of Commons* to mind every little discourse, yet I think if we conclude that this powerful party amongst their many designs have this for one, that we ought to countermine it as much as we can. We cannot well comprehend what a Bill of Association will be before it be drawn up, nor what difficulties may be found in the contriving of it; and therefore I think no great Debate will be necessary about it before such a Bill be brought in. And I believe it will be found more likely to be serviceable in case the Papists be banished; and therefore I conceive *a Bill for Banishment of all the Considerable Papists out of* England may be very necessary. And if at the same time that we endeavour to secure our selves against *Popery*, we do not also do something to prevent *Arbitrary Power*, it will be to little purpose; for the one will be sure to give a hand to bring in the other; and I think nothing can prevent that, or rather both, better than frequent *Parliaments*. And therefore I humbly move you *that a Bill for securing frequent Parliaments* may be taken into your consideration.

Sir *G. H.* Sir, I think you are well advised that the way to secure our selves effectually against *Popery*,

ney, is to ſecure our ſelves alſo againſt *Arbitrary Government*, and that the having of frequent *Parliaments* is the beſt way to ſecure both; and therefore, Sir, I think you may do well to move the Houſe that a Committee be appointed to inſpect what old Laws there are *for enforcing the ſitting of frequent Parliaments*, that if they ſhould be found deficient, ſome new Laws may be made for that purpoſe. I do agree that a Bill *for Baniſhing out of* England the moſt Conſiderable *Papiſts* may do well; but I hope, Sir, that if you baniſh the *Men*, you will baniſh ſome *Women* too; for I do believe that ſome of that Sex have been great Inſtruments in bringing about our ruine: and if in time you would conſider how to prevent the *Royal Families* marrying *Popiſh Women*, it would be of great ſecurity for hereafter. For I am of opinion that the late *Queen-Mother's* Zeal for her Religion, was not only a great occaſion (amongſt many others) of the miſeries that befel us in 41. but the great Cauſe of all our Miſeries now, *by perverting the Duke from his Religion*, as is reported, and may reaſonably be believed, if we conclude that ſhe had that motherly care for the ſalvation of her Children as other Mothers uſually have; for according to her Opinion, it was not to be obtained out of the pale of that Church; And no man can doubt but that the Proteſtant Intereſt hath been much prejudiced *by his Majeſty's marrying a Princeſs of that Religion:* For we have plainly ſeen, ſince the diſcovery of the Plot, how ſome of the moſt material *Jeſuits* and Popiſh Inſtruments have ſheltered themſelves under her *Royal protection*, and how they have helpt to carry on the Plot, by being ſo impudent as to pretend they had her

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patronage, and by abuſing her Authority; but more eſpecially by *the Duke's marrying the Princeſs of* Modena, becauſe of her near relation to the *Popes* and *Cardinals*. All which was plainly foreſeen by that *Parliament* which met a little before that Marriage, in 1673. and therefore they made an *Addreſs* to his *Majeſty*, repreſenting the ſaid ill conſequences, deſiring him not to permit it, becauſe it would tend to the deſtruction of the *Proteſtant Religion*. But their endeavours were defeated by that party, as we may gueſs, ſeeing we find ſo much uſe of her name in *Coleman's Letters*; for well might they who have over-ruled in ſo many great affairs as hath been inſtanced in this Houſe, have an influence alſo in this, that ſo that party might not want ſo uſeful an Inſtrument in ſo great a ſtation: and ſo the *Parliaments Addreſs* miſcarried; but that they had either a good Judgment, or prophetick Spirit, I hope will never miſcarry, but remain upon Record. And unleſs you do believe that theſe *Ladies* are leſs compaſſionate than others uſually are, how can it be otherwiſe, their Principles conſidered? But, Sir, I will not trouble you farther about it, but ſuppoſe it may be worth your conſideration in due time. In the interim, I agree *for the Bill of Baniſhment and Aſſociation too.*

W. H. Sir, It is not to be doubted but that *Popery* and *Arbitrary Government* are ſo near of Kin as cannot be ſeparated, and therefore if we deſtroy the one, we need not fear the deſtruction of the other. Before our late miſerable Wars, *Popery* was more in *Maſquerade*, and *Arbitrary Power* in the *Loans*, *Monopolies*, and *Ship-money*, more viſible: now Popery is more viſible, excepting in the buſi-

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neſs of *Exchequer*, which amounting to above *one Million* of Money, we may not admire we have not heard of more great things of that kind, ſince eſpecially, being we know how averſe the *King* is to hearken to ſuch advice, but our fears of Popery are the ſtronger becauſe of the *Popiſh Succeſſour*, and therefore I cannot but commend the policy of thoſe who are tender in uſing *Arbitrary proceedings* at this time, leſt the Fears and Jealouſies that might ariſe from both together ſhould prove intolerable.

I muſt confeſs, Sir, I am at a great loſs what to offer to your conſideration in this matter, for our danger is not only from the ſtrength of the Popiſh party, but from the weakneſs of the Proteſtants by reaſon of the animoſities which they ſow amongſt us, not only in points of Religion, but of Intereſt too. For of late they have not been content with carrying on the deſign of dividing the Church-men and Fanaticks, but by arraigning the *laſt Parliament as omnipotent and dangerous for going about to diſinherit the Duke*. They endeavour to divide the people in their opinions as to Parliaments, and to render them incompatible with the Government, that ſo if poſſible they may keep the Proteſtant Intereſt divided, and work them to deſtroy themſelves, by engaging party againſt party, *in hopes at laſt to have but one party to deal with, and to have an opportunity of gaining the weakeſt to their ſide by aſſurances of Liberty of Conſcience, or otherways*, which muſt certainly be the conſequence of ſuch a conteſt. And although I am very unwilling to detract from the merits of our Church-men, for whom I have a great veneration, yet I cannot but obſerve how that ever

since the Tryal of Wakeman *was over, but more about the time of the Presbyterian-plot, how they preached up (especially in publick Assemblies) the danger of Fanaticks to be more than of Papists*, and that to disinherit the Duke was against the Law of God. Which said Opinions, if they should be imbibed by the people, what will your Association-bill signifie, or any other Law you can make against Popery? Sir, I do not mention these things to you without a great deal of regret; for I am well known to be a true friend of the Church, and have (when I was thought worthy to be in Commission) expresst my self a severe Enemy to Fanaticism. But however, I cannot but observe this strange contradiction of pretending to keep out Popery, and yet at the same time to endeavour to divide the Protestant Interest, and to reserve a right to make a Papist King. I must confess I am more distracted from the ill consequences I fear from such contrivances as these, than from the strength of the Papists themselves. They will certainly go on with their Interest, as long as they are secure of such Auxiliaries. These things must be considered in the drawing of your Bill, that so the remedy you propose may be proportionable to your disease. For an Act of Association may be several ways evaded by such opinions as these, if they should grow amongst the people, and it will be an irrepairable blow to the Protestant Interest to accept of such an Expedient, if it should prove ineffectual. And therefore it ought to be so drawn, as may provide for all the contrivances of that party: For, *Sir, I cannot imagine that ever Popery will attempt to come into this Nation bare-faced, but do expect that the design will always be carried on as hitherto*

hitherto under ſome diſguiſe, either by a toleration in favour of tender Conſciences, or in the name of Churchmen, or a Loyal party, for the defence of the Church or Government, which ſome Presbyterian-plot would much conduce, and be an excellent pretence for riſing of an Army, and apprehending or diſarming of ſuch perſons as are moſt likely to oppoſe that Intereſt. I muſt confeſs, Sir, I have not very well digeſted what I have ſaid to you on this Subject; but unleſs you can change the Intereſt at Court, and remove thoſe Counſellors that are ſo much for the Duke, I think you may juſtly fear all theſe Stratagems, and that it will be impoſſible to contrive any Aſſociation-Bill that can provide againſt them. And therefore, that we may not ſpend our time in vain, I would humbly move you, Sir, to go on with the Bill of Baniſhment, which is moſt likely to do you ſome ſervice. At leaſt, by it we ſhall ſee, whether any thing will be granted againſt Papiſts or no: For this purpoſe it will be neceſſary, that the Houſe be moved, that the Knights, Citizens, and Burgeſſes, be commanded to bring in a Liſt of all the moſt conſiderable Papiſts in *England*, in order to baniſh the moſt notorious.

J. B. Sir, I retain a good opinion of an Aſſociation-bill, notwithſtanding what hath been ſaid as to the weakneſs it may receive from our unhappy Diviſions in points of Religion and Intereſt, too much promoted by ſome of our Clergy. For, Sir, when I conſider how the *Laudean principles, as to raiſing of Money without Parliaments in the late times, infected moſt of our Clergy, ſo as that they not only preached up the Kings abſolute Authority over mens Properties, but branded with the title of Rebels, and condemned to Hell thoſe that offered to*

argue against it: I do conclude, that it is usual for one or two Bishops, to give measures or directions to the rest of the Bishops, and they to the Clergy of their several Dioceſſes: And that therefore the Clergy derive the Politicks generally from one or two Bishops in some great station. Yet, Sir, when I remember how after some little time many of the Clergy fell off, and would not follow such instructions; and how the people soon excused themselves from following their advice in such Politicks, and would not freely pay illegal Taxes, notwithstanding all their endeavours. I am apt to think, Sir, that as the people were not long then mislead, so as to submit to lose their property, so they will not now, to any thing that shall tend to the losing of their Religion and property both. They will soon discover what is their interest, and how true interest will not lye. I have often told you within these walls, they will soon apprehend that Popery will bring in Slavery, and reduce them not only to an Idolatrous, Superstitious Religion, but to wear Wooden-shoes like the *French*, and to eat Herbs like the *Spaniard*, because they will soon know that they shall not be long Masters of any thing they have: And however they may be perswaded for a while, I am confident they will at last consult how to save their *Bacon*. They will discern that the Clergy may be good *Divines*, but not so good *Politicians*; *and that there may be some difference in point of Interest between them and the Clergy, because Clergy-men may be in a possibility of being advanced by Popery if they submit; but the Laity under a probability of losing all notwithstanding all Submissions.* Sir, I do not trouble you with this Discourse out of a fear that our Clergy will not shew themselves

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good *Proteſtants*, for I have that veneration for them, and opinion of them, as to believe, that many of the Biſhops, and Clery too, would as ſoon die for the *Proteſtant* Religion as any perſons in the Nation. But I am jealous, that there is ſome *over-awing Power got in amongſt them, ſomething anſwerable to that of a Popiſh Succeſſor in the State*; by whoſe means thoſe Bills were ſo eaſily paſt in the late long Parliament, under a pretence that they were for the preſervation of the Proteſtant Religion, *which the Commons then found, and any perſon that will now peruſe them may find, would infallibly have brought in Popery*. And, how ſince the Plot, the danger of Fanaticks is cried up more than that of the Papiſts; and how tender they are in the point of a Popiſh Succeſſor, or joining in any thing againſt him. But though theſe things make me jealous, there is ſome body that *miſleads* them now in matters relating to *Popery*, as formerly in things relating to *Property*, yet I am of opinion that they will ere long ſee, that to ſtand up for the Intereſt of a Popiſh Succeſſor, to have a Popiſh King, to weaken the Proteſtant Intereſt, and ſpeak ill of Parliaments, is not the right way to preſerve the Proteſtant Religion; but a plain contradiction, and an *invention of Jeſuits*. And therefore, Sir, I am for going on with the Aſſociation-Bill; for I will never doubt, that the true Intereſt of the Nation, in ſo great a concern as this, will long be baffled by ſuch projectors. And therefore it is my deſire, that the Houſe may be moved to appoint a Committee to draw up a Bill for that purpoſe.

Sir *W. H.* Sir, I think you have been well moved, as well for the Aſſociation-Bill as the Baniſhing

ſhing Bill. By the one, you will ſend your Enemies out of the Country; by the other, be in a good condition to keep them out, which may go a great way to ſecure us.

Sir *F. R.* Sir *J. H.* and Mr. *L. G.* for the Baniſhing Bill.

Sir *N. C.* Sir, I am not againſt any of theſe Bills, becauſe they may be all convenient for the preſent occaſion: but if any man think that theſe Bills will do without the Succeſſion-Bill, I believe they will find themſelves miſtaken. For theſe Bills will ſignifie nothing, unleſs you can remove your Popiſh Succeſſor, and your Popiſh Intereſt. Theſe Bills will not reach your Papiſts in *Maſquerade, who will certainly continue as long as there is a Popiſh Succeſſor*, and make your Baniſhing-Bill, and Aſſociation-Bill too, as ineffectual as white paper. Let ſuch as I could name to you, have the command of the Sea-ports, (as I ſuppoſe they will, without my naming them) and in the Lieutenancy and Commiſſion of the Peace, and when the preſent heat is over, let the Papiſts come back when they will, they will have no cauſe to doubt having a kind reception. For you muſt not expect to have plain *ruſtick Country Gentlemen* in ſuch Commands, but *well-bred Courtiers*, and ſome *good eaſie credulous Gentlemen*, that will ſoon be perſwaded there is no danger in Popery; and then of what uſe will your Baniſhing or Aſſociation-bill be? As long as the *Duke* hath ſo many friends at Court, (between whoſe Intereſt and Popery I cannot hear there is any diſtinction) I think no Laws that we can make againſt Popery will do us any good, *becauſe all the Laws we have already have done us none.* For the ſame arts and power that hath hitherto

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defeated all your other Laws, will alſo defeat what you are now about. And therefore, Sir, I am of opinion we are not now acting like the true *Phyſicians* of the Nation, but like *Mountebanks*. For the moſt we ſhall be able to do this way, is to patch and plaſter up our ſores, and have them hereafter break out incurable upon us. But if you are reſolved to go on with theſe Bills that have been propoſed, I will not offer to oppoſe the ſenſe of the Committee, but would move you, (that we may not forget, or loſe in the Crowd, that which at laſt, I believe, muſt be purſued, if ever you will do any thing for your Religion) that in the firſt place you paſs a Vote, *That it is the opinion of this Committee, that as long as the Papiſts have any hopes of the Duke of* York's *ſucceeding the King, that the King's perſon, the Proteſtant Religion, and the Lives and Liberties of the People are in apparent danger.*

S. T. Sir, I have read that a great Miniſter of State of *Spain*, gave this ſhort advice to a friend of his that was coming Embaſſador into *England*; that he ſhould not always aim at the beſt. I think it may be convenient for us to follow that advice; for if we ſhould not have ſomething for our ſecurity, before we get the beſt, I am afraid it may happen to us, as it did to a man whoſe Houſe was beſet with Thieves, he was ſo long arming his ſervants, and appointing them their diſtinct quarters, that the Thieves broke in, and caught them all unprovided. I pray God it may not be our caſe; though I am very ſenſible that none of theſe Bills can effectually do our buſineſs; for nothing can ſecure us againſt this party but being free of their *Principles* as well as of their *Perſons*; which I con-

clude will always remain in some persons amongst us, notwithstanding your banishing of Papists, as long as there is a Popish Successor. For I remember what a great man of *Swedeland* told me, that all the Laws they could make, had never any effect against them, *until they not only banished them out of their Country, but secured the Government in the hand of Princes of their own Religion*; And I am afraid, that nothing less than the same way will ever do our business here. For it is not so much the number of the Papists, as their Principles, and the danger of their getting the Government into their hands, which we know they have been long aiming at, that may justly be feared, in which I am perswaded they will be so restless, as that we shall never be secure against them, unless we can *banish their Principles from Court, as well as the People out of the Country*.

Sir *F. W.* Sir, what my good friend that spoke last hath said, that we should get something, and not lose all by aiming so earnestly at the best, is very well, if we were like to get any thing instead of it, that shall have the appearance of being serviceable in this case: But I have seen old Parliament-men mistaken sometimes, and I am afraid than he will sooner see this Parliament dissolved, that any thing granted that shall be materia against Popery. And that the *mentioning of these Bills shall afterwards arise in Judgment against you*; however, I think we must adventure. What this Association-bill may be, I cannot tell until it be drawn, but I see no opposition made to any of those Bills that have been proposed, and I believe there is much business yet behind for this day, and that you will do well to husband your time,

and put this buſineſs out of your hands by putting the queſtions.

Sir *R. T.* Sir, you have been very well moved for the bringing in of ſuch Bills as may tend as much to the ſecurity of the Proteſtant Religion as any that can be offered. That of *Baniſhment* will certainly go a great way to deſtroy, not only their Power, but their Intereſt and Principles too, and be a great diſheartning to their party abroad. That Intereſt will not then have ſo many Engines to work with here, as now they have. And the *Bill* of *Aſſociation* will be neceſſary, that we may have a Law to defend our ſelves. The Aſſociation made *in Queen* Elizabeth's *time*, will be a good Precident to draw it up by. And ſeeing there is no oppoſition, I move you to put the Queſtion.

Reſolved, *That it is the Opinion of this Committee, that one means to ſuppreſs Popery is, That the Houſe be moved that a Bill be brought in immediately, to baniſh all the conſiderable Papiſts out of the Kingdoms.*

R. M. Sir, By offering at the Excluſion Bill, we may conclude we have offended the Duke of *York*; by this Bill for Baniſhment, all the reſt of the conſiderable Papiſts in *England*. *As we have made many Enemies ſo it will be convenient that we ſhould endeavour to get ſome Law to defend our ſelves againſt their implacable Deſigns.* For which a Bill for an Aſſociation of all His Majeſty's Proteſtant Subjects may do well; and therefore I pray that we may Move the Houſe to have it brought in.

W. G. Sir, as we are ſick of complicated Diſeaſes, though

though all have their original from one cauſe, ſeeing we cannot be permitted to cure that cauſe, we muſt think of many Remedies to cure the many Evils that ſprout from it. The *Baniſhing* of the *Papiſts* alone will do it. And I am not willing to paſs any judgment on the *Aſſociation-Bill* before I ſee it. But, Sir, what fruit can you expect from your Laws, unleſs you can ſecure good *Judges* in *Weſtminſter-hall*, and *good Men in Commiſſion* in all other places. *Is there at this time a Judge, a Deputy Lieutenant, or a Juſtice of Peace in Commiſſion, that you can expect ſhall act againſt the Duke of* York. Or if any ſuch be in, are they for more than a colour? Are they not over-power'd by ſuch as are for the Dukes Intereſt? If this do not make all your Laws invalid, by not executing them; is there not an Army of about Ten thouſand men under the name of Guards, and may not more be raiſed, and what then will your Laws ſignifie. Have we not already had ſome experience of this, when the Toleration came out in 1672. when there was that Army at *Black-heath*, and *Clifford* had the management of the great affairs of State? If the King had not then hearkened to the Advice of his Parliament, what would all the Laws that were then in force againſt *Papiſts* have ſignified. And may you not ſee the ſame again, if you do not take ſome care to prevent it. What great difference between *Clifford* and ſome of our preſent great Miniſters, *only that he had that weakneſs to declare himſelf to be a Papiſt, and theſe the diſcretion to keep the knowledge of their Religion to themſelves.* But we ſee they manage things as much in favour of Popery, as ever *Clifford* did. Did not that Toleration, that Army, and that miniſter of ſtate, repeal all your Laws as effectually,

ally, as if they had never been made? When I consider how the *Tripple-League was broke, after we had made Laws for the keeping it, by giving near Three Millions; how the Peace was made up at* Nimeguen, *after we had made an Act for an actual War with* France, *and given above a Million for entring into it.* I will never believe that any Law will be observed, make what you will, unless there be those about the King that may be for the keeping of it; otherwise you shall have such Judges, Justices, Deputy-Lieutenants, and other Commissionated Officers, as will repeal your Laws at pleasure. And therefore I could wish you would consider well, how you possess those that sent you here, with an opinion that they may depend upon such Laws as these. And at the same time, Sir, *that you are consulting the destruction of the Papists, I think, you may do well to endeavour the preservation of the Protestants.* Is this a time for the Church-men and Dissenters to quarrel? It is like two Men riding upon a Road, a High-way-man coming to Rob them, instead of uniting to defend themselves, they quarrel and disarm one the other, and so were both Robbed. I pray God this do not prove at last our case. For as that project of the Papists hath since *Wakeman*'s Tryal, had strange success in dividing us, so no doubt but will at last come to Dis-arming us too; and how that will facilitate their conquest, may be easily calculated? Is this a time to weaken the Protestant Interest, by tearing us in pieces by the execution of acts *made against Papists?* That man that can believe that that is the way to preserve the Protestant Religion, or Protestant-Church, is fit to believe that St. *Denys* walkt many miles with his head under his arm, or any other Popish Miracle

whatso-

whatſoever. And therefore I think you will do well to haſten the Bill for *Uniting of the Proteſtant Diſſenters*, that we may bring into the Church as many of them as is poſſible, and not longer be ſo infatuated to gratifie the Papiſts in that particular, by doing their buſineſs in deſtroying one another; but prevent them if poſſible by Union, *which will tend more to prevent Popery, than all the Bills that have been propoſed.*

P. F. Sir, I have read in Scripture, *What King going to make War againſt another, ſitteth not down firſt, and conſulteth whether he be able with ten thouſand to meet him that cometh againſt him with twenty.* I take the *denial of the Bill of Excluſion, to be a plain demonſtration, that the Popiſh party ſhould not be deprived of a right to govern us*; and it is not to be doubted, that having that right, they will be ſure to make uſe of all the power they can to back it with. That we may be the better able to judge whether we can fortifie our ſelves ſufficiently againſt ſuch a right, and the power that will naturally follow it. I pray, Sir, let us follow our Saviours Advice, and conſult, *whether with ten thouſand we can meet twenty thouſand.*

When I conſider how the Tripple-League was broke, and how all Alliances and Tranſactions relating to Peace and War have been ſince managed in favour of the *French* Intereſt, contrary to the true Intereſt of *England*, and the preſſing importunities of Foreign Nations, as well as our own, I think we cannot but conclude, that the *Dukes Intereſt*, the *French Intereſt*, and *Popiſh Intereſt* is all one. And that the Duke's or Popiſh Intereſt, have ſome great dependance on the *French* King, for his aſſiſtance in the ſettling of Popery here. And no man can

doubt

dout this, but he that will not believe *Coleman's* Letters, or that there *was a peace made at* Nimmegen, *in order to put him in the better condition.* If the Jeſuits do manage all the affairs of *Europe*, as is ſaid, it may be juſtly feared, that the *French* King will improve this agreement ſo, as to get *Flanders*, if not *Holland* too, before he perform his promiſe of giving them the expected aſſiſtance, which being it will conduce to the deſtroying of the Proteſtants abroad, as well as here, we may juſtly fear the *Jeſuits* will never obſtruct.

Beſides, the dependance which the Papiſts may have of aſſiſtance from this mighty Monarch; in *Ireland* they are five to one for the Proteſtants, and amount to many hundred thouſands, full of bloody revenge derived from their Anceſtors, wanting nothing but Arms (which they may have from *France* in a night) to be enabled to Maſſacre all the Proteſtants in *Ireland*, and to be ready to be tranſported hither. How the Plot has been carried on there in order to it; how endeavours have been there uſed to ſtiffle and Counterplot it; who Commands all the *Engliſh* Coaſt oppoſite to *Ireland*, we know; and how our Forts and Caſtles are provided, the Examination of the Governour of *Cheapſtow-Caſtle* may inform you.

And that there may not want a *ſtrength to compel us on every ſide*, is not the Government of *Scotland* quite altered, by ſome Acts made within theſe few years? is it not become very near *Arbitrary*, Parliaments in a manner laid aſide, and the power inveſted in a *Privy-Council*? And is there not a ſtanding Army of Twenty two thouſand men, ſettled by Act of Parliament, with a Declaration, that they ſhall be ready to come into *England* upon any oc-

occaſion. And is not the *Duke* now there, managing the Government of that Kingdom, and Army too, by putting in his own Creatures into the Council and into the Command of the Army, and uſing all other ways imaginable to improve his intereſt there.

And may we not conclude, that in *England* there may be one hundred thouſand Papiſts fighting men, and that *Portſmouth*, *Plimouth*, *Sheerneſs*, *Tilbury-Fort*, and *Hull*, and all other places of importance, ſhall, when that Intereſt ſhall think it convenient, be in the hands of perſons they may confide in, as well as the command of the Militia and Fleet.

And what now, Sir, can any man ſay is wanting to enable this Party to make a great conteſt with us, but a Popiſh King to head them? And doth any thing ſtand in their way for that, but His Majeſty's Life? And is it not ſtrange, that though we ſee this never ſo plain, that there is no remedy for poor Proteſtants? Can it be imagined, that if this party ſhould once have a King on their ſide, endowed with a valorous Spirit, and vowed revenge, ſpured on with a fiery zeal, to get not only Three Crowns on Earth, but the Crown of Glory in Heaven, by rooting out a peſtilent Hereſie out of three Nations, that they will neglect ſo great an opportunity for the eſtabliſhing of Popery here? And will not the Diviſions they carry on amongſt us, as to Church-men and Fanaticks, Plot or no Plot, be very uſeful to them, but eſpecially their arraignments of Parliaments, and all that *ſpeak againſt Popery*, *as Forty-one-men*, and Enemies to the Government, occaſion a great weakneſs on our ſide? I think, Sir, all this put together, makes a great

ſtrength

ſtrength for that party, enough to bring us into miſery, whatever the iſſue may be. I would now, Sir, give you ſome account how the Proteſtants may be able in ſuch a caſe to defend themſelves; but, I proteſt, Sir, I know not what defence they will be able to make legally. It is true, Sir, as long as our good King lives, we may live in quiet; but things being thus, are not the Papiſts under great temptations to go on with their old damnable deſign, or ſet up a new one for the deſtruction of the King. And if it ſhould ſo happen, either by their wicked counſels, or naturally, I think there is no way left us to oppoſe this party, *but by a Rebellion, and therefore I think we may conclude, that our Lives, Liberties, and Religion, are to determine with the King's life.*

I confeſs, Sir, this is a melancholy Diſcourſe, but I am afraid too true; and that the more you conſider of it, the more reaſon you will have to believe, that there is ſuch a Net ſpread to catch poor Proteſtants, as cannot fail to do it effectually, whenever the Jeſuits ſhall be pleaſed to draw it. And our condition looks the more diſmal, becauſe though King, Lords, and Commons have ſo often declared that there hath been a damnable, execrable, deviliſh, helliſh, abominable Plot carried on by the Papiſts, yet that all remedies againſt the like for the future muſt be denied us; I mean ſuch as can ſignifie any thing, and we muſt now again be expoſed, as we were before the Plot broke out, to all their barbarities, having only weakened that party by executing about twenty old men; but ſtrengthned them much more by having diſcouraged all Witneſſes from ever revealing more of their Plots, and by the diſcoveries they have made

of

of the ſtrength of their party, in the ſtiffing of this Plot. And yet all will not open the eyes of ſome Proteſtants, that ſo if poſſible we might be ſo happy as to lay our diviſions aſide and join againſt the common Enemy, without which we muſt certainly be ruin'd.

And if this be our caſe, and there be nothing wanting but a *Popiſh King* to compleat our miſery, and the art of man cannot find out any way to ſecure us againſt a *Popiſh* King without the *Excluſion-Bill*; is it not *ſtrange* it ſhould be rejected in the Houſe of Lords? I cannot believe that the *Fathers* of the Church ſhould join in that which muſt infallibly give opportunity for the tearing out of the Bowels of their Mother, and deſtroying her for ever. If ſo, well may we lie down and cry, *We have no body to help us, but only thee O God.*

Sir, I have troubled you too long, but I hope what I have ſaid, may be of ſome uſe to you in reſolving about theſe Bills that are propoſed, though I think they will all come ſhort of our caſe. Seeing you have Voted a Bill for the *Baniſhing* of the Papiſts, I think you may do well to try what a Bill of *Aſſociation* may amount to: But I agree with the opinion of thoſe worthy Members that have told you, that theſe things are put upon you, that you may give occaſion to thoſe that *wiſh ill to Parliaments, to argue thereby for your Diſſolution; and afterwards to perſwade the People that you went about to diſſolve the foundation of the Government.* And therefore I do not expect any good effect of theſe Bills.

Sir *F. R.* Sir, by the ſerious diſcourſe which that worthy Member hath made of the ſadneſs and

and in ſecurity of our condition we may plainly ſee, how by the intereſt of the *Duke* of *York*, there is a great power combined againſt us, and that our condition is irrecoverable, if he ſhould come to be King. And therefore, Sir, I deſire you would put the queſtion, upon a motion that was made a little while ſince, That it is the opinion of this Committee, that as long as the Papiſts have any hopes of the Duke's ſucceeding to the Government of this Nation, that the King's Perſon, nor the Proteſtant Religion, nor the Government of this Nation cannot be ſecure.

Reſolved, *That it is the opinion of this Committee, that as long as the Papiſts have any hopes of the Duke of* York's *ſucceeding the King in the Kingdoms of* England *and* Ireland, *and Dominions thereunto belonging, the King's Perſon, the Proteſtant Religion, and the Lives, Liberties, and Properties of all his Majeſty's Proteſtant Subjects, are in apparent danger of being deſtroyed.*

Sir *G.G.* Sir, I am of opinion the Popiſh Plot goeth on as much as ever, and the Papiſts are ſo proud of it, as they cannot forbear bragging of their hopes to ſee better days ſpeedily. I think, Sir, ſeeing we are not like for one while to have the *Excluſion-Bill*, we ſhall appear neglectful of our duty, if we do not try what ſecurity can be contrived by an *Aſſociation-Bill*. And therefore I humbly pray that the Houſe may be moved to appoint a Committee to draw up and bring in a Bill for *Aſſociating* all his Majeſty's Proteſtant Subjects.

Sir *H. C.* Sir, The reaſon why we are now in

this debate, is becauſe a Negative is paſt on our Bill for excluding to *Duke* of *York*. It is ſtrange, ſeeing the danger of the Proteſtant Religion is ſo great, (if there be any intent to ſave it) that the only Bill which could ſerve for that end ſhould be thought too much. I am of opinion, that no other Bills can do us any ſervice at all; for it will be pretended they are all void, becauſe made againſt the Right and Prerogative of your lawful King, without this Excluſion-Bill. Yet ſeeing his Majeſty hath ſo often in his Speeches recommended the ſecurity of the Proteſtant Religion by other ways, I think it is our duty to try what other Laws can be made, though it be only to give the King and the world ſatisfaction, and to enable us the better to judge *whether ſuch Speeches proceed from his Majeſty's goodneſs, or from evil Counſel.* I muſt confeſs, Sir, I am afraid, ſeeing the *Duke* of *York's* intereſt is now as great at Court as ever, and that there are ſo many of the Priv. Counſellors for him, as well as moſt others in places of Truſt and Command, that they that adviſe the King to put in that limitation in all his Speeches, do *know that without that Law there can be none made that can prejudice the Duke's Intereſt, and ſo conſequently not ſave the Proteſtant Religion, and therefore they adviſe it.* For how can we reaſonably preſume otherways, ſeeing his Intereſt is ſo fixt as it is, and the *Wheel within the Wheel continues*, which hath been ſo often complained of. When I ponderate on the good things his Majeſty always doth, when he is pleaſed to exclude the corrupt Politicks, and advice of others, I cannot but lament afreſh our great Misfortune in having a Popiſh *Succeſſor*, that ſhould be able to create ſuch

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an Intereſt, as to hinder us from the good effect thereof. His Majeſty did once declare, how ſenſible he was of the inconvenience of being *Adviſed by private Cabals, and ſeemed reſolved to diſmiſs them, and from that time forward to adviſe with his Privy-Council, and in caſes extraordinary with the great Council the Parliament.* How he came to vary from that reſolution I do not know; but I am afraid we ſhall not ſee any alteration in *favour* of the *Proteſtant* intereſt, until we ſee ſome change in that particular. For though the Duke's friends may do very well to preſerve the *Duke's intereſt, which upon all accounts is Popery*, yet, I think, they are very inconſiſtent with the preſervation of the Proteſtant Intereſt: And therefore until ſome alteration in Council, as Parliaments have laboured in vain againſt Popery theſe two yeats, ſo I am afraid we ſhall now. However, Sir, I am not againſt trying what ſtrength you can make of an *Aſſociation*-Bill; but I am afraid, that without the *Excluſion*-Bill, you will find your work endleſs; and that one Bill will occaſion another, and all prove to little purpoſe without it, and that you will but give your Enemies a *handle* to repreſent you amiſs and get nothing.

W. Sir, The many diſcourſes you have heard this day touching the ſtrength of the Popiſh intereſt at home, and how combined with foreign power, doth not ſo much ſtartle me, as to ſee, that all *the ſtrength upon which the Proteſtant party muſt depend for ſecurity, is put into the hands of perſons which are for the Duke's intereſt, which we have reaſon to underſtand to be the ſame with Popery*; not a perſon being imployed in any place of Command or Truſt, that ever declared againſt that intereſt.

If I be mistaken in what I say, I desire to be corrected; I speak according to the best information I could have, and I believe all here know, what an *exact scrutiny* there hath been often made in all Countries and Corporations, for the finding out of men that way *inclined*, or otherways so *qualified*, as are not fit to make any *opposition to the designs carried on by the Popish party*. And if by chance any is put in, not fettered either by opinion or interest to that party, upon the first appearance he is presently discharged, as if he were a Traitor to his Country. And now after a long interval of Parliaments, and more and more discoveries of the reality and danger of the Popish Plot, not only here, but in *Ireland*, and of the many contrivances of that party to stifle new Evidence, and to corrupt and discourage the old, of the certain ruine of the Protestant Religion from a *Popish Successor* and *Popish King*, what remedies are we like to obtain this Session? I am afraid very few or none: for I must confess, I am still of opinion, there can be none without the *Exclusion* bill, which the Lords have thrown out without so much as a *Conference*, and therefore I am afraid, that what the Witnesses have said, they were told by several Jesuits is true; *That Popery was so clenched and rivetted, that it did not lie in the power of God nor man to prevent the setling of it in this Nation*. And if we consider what an interest that Party hath now at present, and how things are prepared to afford them a greater assistance hereafter; how a *Popish King*, as well as our *Divisions* and *Animosities* will contribute to it, though I hope God will make them Lyars, yet I conclude, they have a great deal of reason to be very confident.

ſident. And I ſee not how we can help our ſelves, ſeeing there are ſo many *Miniſters* of State about the *King*, who are as a Partition-wall between him and his People. I find in *Coke's Reports*, that when the Nation was in apparent danger, the People might go directly to the King with their Grievances, and make their Complaints and Petitions known. I think we may do well to conſult this Text, and ſee if we can find out any better way than what we have tryed already, to convey our humble Supplications to his Royal Perſon. In the mean time I think you had not beſt to go off from the Bill of *Aſſociation*; for which we have a Preſident in Queen *Elizabeth's* time, firſt made by the Gentry, and afterwards confirm'd by Act of Parliament.

L. G. Sir, I would not diſcourage you from going on with theſe Bills; but I am afraid they will fall far ſhort of the power and ſtrength that will be neceſſary to root out an Intereſt that hath been above *one hundred years* rivetting it ſelf by all arts and ways imaginable, and hath now fixt it ſelf ſo near the Throne. I muſt confeſs, I am afraid we are at labour in vain, and that this Intereſt hath ſo *clench'd* it ſelf (as the *Jeſuits* term it) that it will break not only this *Parliament*, but many more, if not all *Parliaments*, and the *Proteſtant Religion* too. It is too weighty to be removed, or perverted, by ſuch little Bills as theſe: No, Sir, you will find, that nothing leſs than a *firm Union amongſt all the Proteſtants in this Nation, can be ſufficient to give any check to this Intereſt.* As long as there are amongſt us ſo many perſons as know not rightly how to apply the dangers of the Church and State, nor the miſeries of *Forty One*, but will be lead by

Popish Projectors; I am afraid such Bills as these will not do our business: Because they will not destroy that *footing* which they have at *Court*, nor strengthen the Protestant Interest, which must have its original from Union. It is strange, that none but those who are for the *Duke*'s interest, should be the only persons thought fit to be in places of trust! It is so *strange a way to preserve the Protestant Church and Religion*, that it raiseth with me a doubt, *whether any such thing be designed.* Such persons may be proper to manage Affairs in favour of the Popish interest; but it is to be admired, that they, and they only, should be thought fit to be intrusted with the Protestant interest. I think it as hard for them to do it, as to serve two Masters. It's not usual in other Countries to retain their Enemies in the Government, nor such as are Friends to their Enemies; and it is strange that we, of all other Nations, should fall into this piece of Policy. But, Sir, for these reasons you may conclude, that unless what Laws you make, be strong and well penn'd, they will signifie nothing against so powerful a Party as you have to do with.

R. Sir, Though it plainly appear by what hath been said upon this Debate, that the Protestant Religion is in a dangerous condition, yet when I consider how strangely God's providence hath hitherto helpt us, and defeated all the wicked Stratagems of this Party, I cannot dispair. Notwithstanding the breaking of the *Triple League*, the *Dutch War* 1672. and the Assistance given the *French*, the Protestants abroad are not all destroyed: Neither by their *firing* of *London*, endeavours to *corrupt Parliaments*, and contrivances against the *King's life*, have they yet destroyed all at home.

And

And as I doubt not but the King is willing to ſecure the Proteſtant Religion to us and our Poſterities, ſo I hope he will hearken to us, and grant ſuch Laws as may be neceſſary for the ſecuring of it, he being moſt concerned therein. And therefore I hope, that at laſt he will concurr in ſuch Laws as we ſhall propoſe for that end, or contrive better.

Sir *W. J.* Sir, there hath been ſo much ſaid already upon the Subject-matter of this Debate, that I ſhall have little occaſion to trouble you long. The worthy Member that ſpoke a while ſince, hath ſhewed you from whence our fears of Popery ariſe, from the dependance they have of aſſiſtance from *France*, *Ireland* and *Scotland* in caſe there ſhould be a *Popiſh King*, beſides the Party they have here, and the advantage they will have by the Government, which is already ſecured for that Intereſt; and of it ſelf would be ſufficient to conteſt with the Proteſtant intereſt, who in ſuch a caſe would have no King to head them, no perſons in any place of Truſt to execute any Laws in their behalf, nor no legal power to defend themſelves. And therefore, ſeeing there is a Negative paſs'd upon the Bill, we had contrived to ſecure us from theſe great dangers, I think, Sir, we may do well to try if we can get any thing elſe. But I am perſwaded if this *Aſſociation*-bill be made as it ſhould be, that we ſhall have no better ſucceſs with it than we had with the *Excluſion*-bill: For I am afraid, that though we are permitted to *brandiſh our Weapons*, yet that we ſhall not be allowed to *wound Popery*; but rather do believe, that they which adviſed the throwing out of that Bill, will alſo do the ſame by this, or diſſolve the Houſe

before it come to perfection: For this Bill muſt be much ſtronger than that in Queen *Elizabeth*'s days; that was for an *Aſſociation* only after her death, but I cannot tell if ſuch a *Bill* will ſecure us now, the circumſtances we are under being very different. In Queen *Elizabeth*'s days the Privy-Councellors were all for the Queen's Intereſt, and none for the Succeſſors; *now moſt of the Privy-Councellors are for the Succeſſors, and few for the King's.* Then the Miniſters unanimouſly agreed to keep out Popery, now we have too much reaſon to fear, *there are many that are for bringing it in.* In thoſe days they all agreed to keep the *Popiſh Succeſſor in* Scotland, now the Major part *agree to keep the Succeſſor here*; all which muſt be conſidered in drawing up of the Bill.

Reſolved, *That it is the opinion of this Committee, that the Houſe be moved, that a Bill be brought in for an Aſſociation of all his Majeſty's Proteſtant Subjects, for the ſafety of his Majeſty's perſon, the defence of the Proteſtant Religion, and the preſervation of his Majeſty's Proteſtant Subjects, againſt all Invaſions and Oppoſitions; and for preventing the Duke of* York, *or any other Papiſt, from ſucceeding to the Crown.*

Decem-

December 17. 1680.

THE House resolved into a Committee, further to consider of ways and means to secure the Kingdom against Popery and Arbitrary Government; and after several Debates, how ineffectual all Laws would prove without having good Judges, Justices, and others in Commission that will execute them, and how frequent Parliaments would conduce to have Laws put duly in execution.

Resolved, *That it is the opinion of this House, that the House be Moved, that a Bill be brought in for the more effectual securing of the Meetings and Sittings of frequent Parliaments.*

Resolved, *That it is the opinion of this Committee, that the House be Moved, that a Bill be brought in, that the Judges may hold their places and Sallaries,* quam diu se bene gesserint.

Resolved, *That it is the opinion of this Committee That one means to prevent Arbitrary power, is, that the House be Moved, that a Bill be brought in, against illegal exaction of money upon the people, to make it High-Treason.* Reported to the House and agreed to.

His Majesty's Speech made to both Houses, December 15. *was Read.*

Mr. *Speaker,*

J.H. SIR, The Veneration that is due to all His Majesty's Speeches, doth require that we should seriously Debate them before we give any Answer to them; but the circumstances we are under at this time, challenge a more than ordinary Con-

Conſultation. For by the tenor of the Speech, I conclude, That the Succeſs of this Parliament depends upon our Anſwer to it, and conſequently the ſafety of the Proteſtant Religion, both at home and abroad. And therefore I think my ſelf very unable to adviſe in this matter, and ſhould not have attempted it, but that you have encouraged me by your leave to ſpeak firſt. So that if I offer any thing amiſs, thoſe that come after will have opportunities to correct me. I would begin with the latter end of the Speech firſt, becauſe that part of it is moſt likely to beget a fair underſtanding between His Majeſty and this Houſe. But I cannot but obſerve what great care is here again take of preſerving the Succeſſion in the right Line, as in all other His Majeſty's Speeches ever ſince the Plot broke out. I think more could not be done, though it were in behalf of the King's Son, and a Proteſtant too. That limitation, and His *Majeſty's offers of ſecuring the Proteſtant Religion*, (if by Succeſſion in the right Line may be meant the *Duke*) upon many Debates in this Houſe is *found irreconcileable*, and therefore muſt be imputed to thoſe that have adviſed His Majeſty thereto. To preſerve the right of Succeſſion in the Duke, is to preſerve ſomething or nothing. The ſomething muſt be no leſs than the Crown, in caſe of His Majeſty's death, and ſo conſequently the intereſt of the Popiſh party, who after one hundred years endevours to have a Prince of their Religion, the indefatigable induſtry of the Jeſuits to obtain it, and the loſs of ſo much Bloud ſpent therein, will, beſides their principles and inclinations, lay on them great obligations to make uſe of the opportunity to eſtabliſh their Religion again in this Nation. So

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that I must confess, *these reservations looks to me like a perfect design to save the whole party, accompanied with a power and pretence sufficient to enable them to accomplish their end.* For to this, the saving the Duke's right doth amount, and consequently the destruction of the Protestant Religion. Which cannot be imagined to proceed from His Majesty. In former times the interest of no one man could ever bear up against the interest of the Nation, now it seems, that the Religion, Lives and Liberties of all the people of this Nation; nay, I may say, all the Protestants of the Three Nations must all be lost, *rather than one man be dispossest of his right,* though by *his own Act hath made himself incapable the injoy it.* Certainly there must be more intended by this, than the saving of one man, it must be the saving of a party. And therefore, Sir, I am afraid we are but where we were two years ago. For it is plain to me, that there is a certain fatal *Scheme* which hath been exactly pursued these twenty years, in order to destroy the Protestant Interest, and hath had a strange secret operation in the management of all our affairs. And although now and then some accidents have happned, that have occasioned some alteration for a time, as by His Majesty's recalling the Toleration, some Transactions of Parliaments, the breaking out of the Plot, and His Majesty's Toleration of his Council, 1679. Yet I observe that after a little while there is no change in the main, all returns to the old Scheme, as if there were a certain infallible balance that did preponderate. We have had so much experience of His Majesty's goodness and inclinations, that we cannot but conclude, that there is still some such thing, as a wheel within a wheel,

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whether Jeſuits, (for 'tis like them) or who I cannot tell, nor how the Government is influenced, that the Proteſtants ſhould not be able to obtain any thing for their ſecurity. But we may gueſs and juſtly fear, that it will never be otherways, as long as there is a Popiſh Succeſſor. The truth is, we have a hard task to ſerve our King and Country, in ſuch a time as this is. We may expoſe our ſelves to the rage of a powerful party, but I am afraid, get little to ſecure our ſelves againſt their revenge. We are under the ſame inequality as fair gameſters, that meet with thoſe that uſe falſe Dice, and are like to have the ſame ill luck at laſt, unleſs His Majeſty ſhould be pleaſed to conſider, who ſtands up moſt for his Government, and who plays faireſt, and accordingly, change his Councils. The *firſt three Paragraphs* of the Speech are about *Alliances*, the *fourth* about *Tangier*, the *fifth* about ſecuring the Succeſſion, the *ſixth* to know what we *deſire*, and what we *will do*.

Sir, I take no delight in looking backward, but without doing it at this time, I am afraid we ſhall not mend, as we go forward. It is not to be doubted, but that as well for the ſecurity of the Nation, at home, as of *Flanders* againſt the power of *France* and the Proteſtant Religion abroad, we are under a neceſſity to make Alliances, and that they cannot be made nor ſupported without Money. But did we not give above *Two Millions* for the preſervation of the *Tripple-League*, and was it not by the power of the *French* and *Popiſh Party* imployed to break it? Did we not a little while ſince give about a *Million and half* for an *actual French War*, and was there not preſently a general Peace made? Do not all Foreign Nations complain, that notwith-

withſtanding all our Treaties, Pretences, and Declarations, we have been only *true* to *France*? And what reaſon have we now to imagine, that if we ſhould give Money for Leagues, that it would be imployed otherwiſe than formerly? Is not the ſame Scheme of Government purſued ſtill? is not the *French Ambaſſador*, and the *French Women* too, as great at Court as ever? and have not the Dukes Creatures the management of all affairs? and if the *Duke's intereſt*, the *French intereſt*, and the *Popiſh intereſt* be all one, can you imagine, that your Money ſhall be imployed to make any Alliances that ſhall be for the advantage of the Proteſtant Religion. No, Sir, though His Majeſty ſo intend it, yet the wheel within a wheel, *which hath managed all other alliances hitherto, will alſo manage theſe, and have the diſpoſal of your Money too, and pervert it to our deſtruction.* And until things ſettle here at home, on a true *Proteſtant bottom*, it cannot be imagined, that any *Foreign* Prince will depend on us, or make Alliances with us. And therefore, as well for that, as becauſe our Money may not probably be diſpoſed of for any good end, it is in vain to Treat of either Alliances or Money. For until the intereſt be chang'd at Court, that ſo there may be a better underſtanding between the King and his people, it cannot produce any thing for our advantage.

As to *Tangier*, and the Succeſſion, there hath been ſo much ſaid already, when thoſe points were debated, that I will not trouble you with more at this time.

But I beg leave to add ſomething about the latter part of the Speech, which doth a little comfort me, becauſe I hope we may graft ſuch an Anſwer thereupon, as may beget a right underſtanding

ſtanding with His Majeſty. I know this Houſe is conſtituted of perſons much different from that of the Long Parliament, becauſe of the many Penſioners that were in it, and that we need not now be afraid to talk of Money. I believe we all know, that without giving Money this Seſſion, the Nation can never be happy, nor His Majeſty's Government ſo formidable as it ought to be. And therefore I would humbly move you to appoint a Committee, to draw up an Addreſs to aſſure His Majeſty, that when His Majeſty ſhall be pleaſed to grant us ſuch Laws, as are neceſſary for the ſecurity of our Religion, which may be particularized in the Addreſs; that we will be ready to give him what Money his occaſions may require, not only for the ſupport of *Tangier*, and Alliances, but to enable him to have a good Fleet at Sea, for the encouraging of Seamen, and ſecurity of Trade, and preſervation of his Dominions; that ſo we may ſhew we are ready to expreſs our duty, as well by our acts as words.

Mr. *Speaker*,

Ld. *R.* Sir, Being it is ſo apparent that all our fears of Popery ariſe from, and center in the Duke of *York*; and that it is impoſſible the affairs of this Nation ſhould ever ſettle on a good Proteſtant bottom, as long as there is a Popiſh Succeſſor, which cannot be prevented but by the Succeſſion-Bill. That there may be no ill conſtruction made of our deſires, I would humbly Move you to offer to ſupply the King, with what Money he may need for the ſupport of *Tangier* and Alliances, upon his granting of the Succeſſion-Bill only, that ſo His Majeſty may have no reaſon to be diffident of us; not doubting, but that if we can once but lay a foun-

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dation for a good Correſpondence, that His Majeſty will take ſo much content in it, beyond what he doth now enjoy, that to preſerve it, he will afterwards grant us what more Bills may be farther neceſſary for the ſecurity of the Proteſtant Religion. And therefore I am not for clogging this Addreſs with any requeſt for any thing more, than that one Bill.

Mr. *Speaker*,

Sir *W. J.* Sir, We have hitherto had ſo little ſucceſs in our endeavours, that we may juſtly ſuſpect, we are permitted to ſit here, *rather to deſtroy our ſelves, than to ſave our Country*. It is a matter of admiration to me, that thoſe who have ſo often adviſed His Majeſty, to put this and the former Parliaments upon finding out Expedients, for ſecuring the Proteſtant Religion, without altering the Succeſſion, ſhould all this while find out none themſelves, but ſtill continue adviſing the King to put that upon us, which after many Debates is found to be impoſſible. And that the King ſhould always have at his elbow, perſons ready to remember him conſtantly to make this limitation, which in all appearance muſt tend to the final deſtruction of the Proteſtant Religion. And that there ſhould be no body there, to mind him of propoſing ſome Expedients to prevent it, only in general words, of which no uſe can be made. According to the opinion of Three ſucceſſive Parliaments, the limitation in favour of the Popiſh Intereſt, is plain, intelligible, and practicable. I hope His Majeſty againſt the next occaſion, will require them that have ſo adviſe him, to make the Expedients, and other ways to ſecure the Proteſtant Religion, as plain and practicable; that ſo we may ſee if the ſecurity of

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the Proteſtant Religion be deſigned in good earneſt by ſuch adviſers, which I cannot believe; becauſe what they propoſe, is, in my opinion, a contradiction in it ſelf. Without the *Excluſion-Bill*, there can be no Expedient, but what will leave us in that miſerable condition, of having firſt or laſt a conteſt with our lawful King. And there can be no ſuch thing as ſetting up a power to oppoſe him, but by putting a kind of *Supreme Authority in the Parliament*, with a power to oppoſe, as well by making War as Laws, which might prove the deſtruction of the Monarchical Government. The ſaid truſt or power (without the Excluſion Bill) being not to be repoſed in the next Heir, or any ſingle perſon, leaſt he ſhould die before he come to have the power in him, or utterly refuſe to act if he ſhould live to have a right by virtue of ſuch a ſettlement, to adminiſter the Government. In ſuch a caſe there would be no lawful power lodged any where elſe, to oppoſe ſuch a King, and there muſt not be an *inter Regnum*. By this ſhort account you may ſee, what difficulties all Expedients will be liable to, and may conclude, that thoſe that adviſe the King to make this limitation, do intend it as an *Expedient to make the endeavours of Parliaments ineffectual, and to bring in Popery*. And if you had offered at ſuch Expedients as I have mentioned, as the laſt Houſe of Commons was Arraigned for Omnipotent and Arbitrary, ſo would this with ſome worſe Character; as having attempted to deſtroy the Monarchical Government, that if poſſible the King and people might be put out of love with Parliaments. But, Sir, though it is plain, that things are thus out of order, yet let us not be wanting in our duty, but give ſuch an

Anſwer

Anſwer to his Majeſty, as may if poſſible, create in him a good opinion of this Houſe, and ſatisfie him of the neceſſity of the Bill of *Excluſion*, and that all other Acts of *Grace* will but ſerve to fatten us for the ſlaughter of our Enemies. The laſt part of this Speech, I believe, is his Majeſty's own; he ſeems willing to know what you expect from him, and what you will do for him, which I think is a fair propoſition to come to an underſtanding. And although it be not good Manners to offer to make a bargain with his Majeſty; but as in bargains there is a *quid* and *pro quo*, ſo in this. And I think we need not fear talking of Money in this Houſe, being all ſeem reſolved to give it freely, if we can be ſecured of our Religion, but not otherways. And therefore I humbly conceive, you may accordingly expreſs your ſelves plain in your Addreſs.

Mr. *Speaker*,

W. G. Sir, If you do not repreſent all your Grievances in this Addreſs, as the condition of your giving Money, whatever you ſhall offer at afterwards, will be lookt as clamarous and out of order. And therefore I would adviſe you, not to omit any one Grievance you expect any remedy in. And I am for enumerating all your Grievances in the Addreſs, which have been lately Debated. And I do admire no body takes notice of the ſtanding Army, which if not reduced to ſuch a number as may be convenient for Guards, and ſo limited, that they may not be increaſed, unleſs in caſe of a Rebellion or an Invaſion, all your Laws may ſignifie nothing. And I am not ſatisfied in the making of ſuch general offers of Money. For if you do, you will hear in time, that the *Fleet* needs one *Million*,

Alliances as much more, and *Tangier* (though I think not worth keeping) little leſs. A demand of three Millions, grounded on your general promiſe, would perplex the Houſe how to come off with that reputation, which a Houſe of Commons ought to preſerve with the King. I know not how ſuch a promiſe may be turn'd upon you, and therefore I am either for demanding more, or promiſing leſs.

Mr. *Speaker*,

Sir *E. H.* Sir, I am very willing to have this Parliament broken; yet I cannot agree, that to prevent it, we ſhould offer ſo much, and demand ſo little as hath been mentioned. Have we not ſate two days in a Committee, to examine the dangerous eſtate of the Kingdom, and ordered ſeveral good Bills to be brought in thereupon, for the ſecuring us againſt Popery and Arbitrary power; and ſhall we now the next day lay all thoſe Bills aſide, and be content with the *Exclusion-bill* only, which I think will be worth nothing, unleſs you can get more? And therefore, though to obtain them you ſpoke plain Engliſh, and mentioned what ſumm you intend to give, I think you will be ſaffer to offer Money in general words, without declaring what, or enumerating your Bills.

Mr. *Speaker*,

G. V. Sir, I cannot agree with this worthy Member, for it would take up ſome days Debates, to agree what ſum is neceſſary to ſupply his Majeſties occaſions, and what ſum to expreſs. And it may be to no purpoſe, as the caſe ſtands with us, unleſs we were ſure his Majeſty would find out ſome way to bring the *Exclusion-Bill* about again; then indeed we might come to particulars. In the

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mean time, a promiſe in general words may be ſufficient, and ſave the Houſe a great deal of time. And for my part, I am not for enumerating many Bills, but ſhould be content to give Money upon having the Excluſion Bill only, which being ſo preciſely neceſſary for the preſervation of our Religion, all the World will juſtifie us in the demanding it, before we part with Money and therefore I deſire the Committee may draw up the Addreſs accordingly.

Reſolved, *That a Committee be appointed to prepare an humble Addreſs to His Majeſty, upon the Debate of the Houſe, in anſwer to His Majeſties Speech.*

December 20. 1680.

Mr. Hampden *reports the Addreſs; which was read.*

The Humble Addreſs of the Houſe of Commons preſented to his Majeſty, in Anſwer to his Majeſty's Gracious Speech to both Houſes of Parliament, upon the 15*th.* day of the ſame *December.*

May it pleaſe your moſt Excellent Majeſty,

WE *Your Majeſty's moſt Dutiful and Loyal Subjects, the Commons in this preſent Parliament Aſſembled, have taken into our ſerious Conſideration, Your Majeſty's Gracious Speech to both Your Houſes of Parliament, on the* 15th. *of this inſtant* December; *and do with all the grateful Senſe of faithful Subjects, and ſincere Proteſtants, acknowledge Your Majeſty's great goodneſs to us, in renewing the Aſſurances You have been pleaſed to give us of your readineſs to concurr with us in any means for the Security of the Proteſtant Religion, and Your Gracious Invitation of us to make our deſires known to Your Majeſty.*

But with grief of Heart we cannot but obſerve, that to theſe Princely Offers, Your Majeſty has been adviſed (by what ſecret enemies to Your Majeſty and Your people, we know not) to annex a Reſervation, which if inſiſted on, in the inſtance to which alone it is applicable, will render all Your Majeſty's other Gracious Inclinations of no effect or advantage to us. Your Maje-

Majesty is pleased thus to limit Your promise of concurrence in the Remedies which shall be proposed, that they may consist with preserving the Succession of the Crown in its due and legal course of Descent. And we do humbly inform Your Majesty, that no intervuption of that Descent has been endeavoured by us, except only the Descent upon the Person of the Duke of York, *who by the wicked Instruments of the Church of* Rome, *has been manifestly perverted to their Religion. And we do humbly represent to Your Majesty, as the Issue of our most deliberate Thoughts and Consultations, that for the Papists to have their hopes continued, that a Prince of that Religion shall succeed in the Throne of these Kingdoms, is utterly inconsistent with the Safety of Your Majesty's Person, the preservation of the Protestant Religion, and the Prosperity, Peace, and Welfare of Your Protestant subjects.*

That your Majesty's sacred Life is in continual danger, under the prospect of a Popish Successor, is evident, not only from the Principles of those devoted to the Church of Rome, *which allow that an Heretical Prince (and such they term all Protestant Princes) Excommunicated and Deposed by the Pope, may be destroyed and murther'd; but also from the Testimonies given in the prosecution of the horrid* Popish Plot, *against divers Traitors attainted for designing to put those accursed Principles into practice against Your Majesty.*

From the expectation of this Succession, has the number of Papists in Your Majesty's Dominions so much increased within these few years, and so many been prevailed with to desert the true Protestant Religion; that they might be prepared for the favours of a Popish *Prince, assoon as he should come to the possession of the Crown; And while the same Expectation lasts, many*

more will be in the same danger of being perverted.

This it is that has hardened the Papists of this Kingdom, animated and confederated by their Priests and Jesuits, to make a Common Purse, provide Arms, make application to Foreign Princes, and sollicite their Aid, for imposing Popery upon us; and all this even during Your Majesty's Reign, and while Your Majesty's Government and the Laws were our protection.

It is Your Majesty's Glory and true Interest, to be the Head and Protector of all Protestants, as well abroad as at home: But if these hopes remain, what Alliances can be made for the advantage of the Protestant Religion and Interest, which shall give confidence to Your Majesties Allies, to join so vigorously with Your Majesty, as the State of that Interest in the World now requires, while they see this Protestant Kingdom in so much danger of a Popish Successor; by whom as in present, all their Councils and Actions may be eluded, as hitherto they have been, and by whom, (if he should succeed) they are sure to be destroyed?

We have thus humbly laid before Your Majesty, some of those great Dangers and Mischiefs which evidently accompany the expectation of a Popish Successor; the certain and unspeakable Evils which will come upon Your Majesty's Protestant Subjects and their Posterity, if such a Prince should inherit, are more also than we can well enumerate.

Our Religion, which is now so dangerously shaken, will then be totally overthrown; nothing will be left, or can be found to protect or defend it.

The execution of old Laws must cease, and it will be vain to expect new ones. The most sacred Obligations of Contracts and Promises (if any should be given) that shall be judged to be against the Interest of the Romish Religion, will be violated; as is undeniable,

visible, not only from Argument and Experience elsewhere; but from the sad experience this Nation once had on the like occasion.

In the Reign of such a Prince, the Pope will be acknowledged Supream (though the Subjects of this Kingdom have sworn the contrary) and all Causes, either as Spiritual, or in order to Spiritual Things, will be brought under his Jurisdiction.

The Lives, Liberties, and Estates (of all such Protestants, as value their Souls and their Religion more than their secular Concernments, will be adjudged forfeited.

To all this we might add, That it appears in the discovery of the Plot, that foreign Princes were invited to assist in securing the Crown to the Duke of York; with Arguments from his great Zeal to establish Popery, and to extirpate Protestants (whom they call Hereticks) out of his Dominions; and such will expect performance accordingly.

We further humbly beseech Your Majesty, in Your great wisdom to consider, Whether (in case the Imperial Crown of this Protestant Kingdom should descend to the Duke of York, the opposition which may possibly be made to his possessing it, may not only endanger the farther descent in the Royal Line, but even Monarchy it self.

For these Reasons, we are most humble Petitioners to Your most Sacred Majesty, That in tender commiseration of Your poor Protestant people, Your Majesty will be graciously pleased to depart from the Reservation in your said Speech; and when a Bill shall be tendred to Your Majesty, in a Parliamentary way to disable the Duke of York from inheriting the Crown, Your Majesty will give Your Royal Assent thereto; and as necessary to fortify and defend the same, that Your

Majesty will likewise be graciously pleased to Assent to an Act whereby Your Majesty's Protestant Subjects may be enabled to Associate themselves for the defence of Your Majesty's Person, the Protestant Religion, and the Security of Your Kingdoms.

These Requests we are constrained humbly to make to Your Majesty as of absolute Necessity, for the safe and peaceable Enjoyment of our Religion.

Without these things, the Alliances of England *will not be valuable, nor the People Encouraged to Contribute to Your Majesty's Service.*

As some farther means for the preservation both of our Religion *and* Property, *We are humble Suiters to Your Majesty, that from henceforth such persons only may be* Judges *within the Kingdom of* England *and Dominion of* Wales, *as are Men of Ability, Integrity, and known Affection to the* Protestant Religion. *And that they may hold both their Offices and Sallaries,* Quamdiu se bene gesserint. *That (several Deputy-Lieutenants and Justices of the Peace, fitly qualified for those Imployments, having been of late displaced, and others put in their room, who are men of Arbitrary Principles, and Countenancers of* Papists *and* Popery) *such only may bear the Office of a Lord-Lieutenant as are persons of Integrity and known Affection to the* Protestant Religion. *That Deputy-Lieutenants and Justices of the Peace may be also so qualified, and may be moreover men of Ability, of Estates and Interest in their Country.*

That none may be employed as Military Officer, or Officers in Your Majesty's Fleet, but men of known Experience, Courage, and Affection to the Protestant Religion.

These our humble Requests being Obtained, we shall on our parts be ready to Assist Your Majesty for the Preservation

ſervation of Tangier, *and for putting your Majeſty's Fleet into ſuch a condition as it may preſerve Your Majeſty's* Sovereignty *of the Seas, and be for the Defence of the Nation.*

If Your Majeſty hath or ſhall make any neceſſary Alliances for defence of the Proteſtant Religion, *and Intereſt and Security of this Kingdom, this Houſe will be ready to Aſſiſt and Stand by Your Majeſty in the ſupport of the ſame.*

After this our Humble Anſwer to Your Majeſty's Gracious Speech, we hope no evil Inſtruments what ſoever ſhall be able to leſſen Your Majeſty's Eſteem of that Fidelity and Affection we bear to Your Majeſty's Service; but that Your Majeſty will always retain in Your Royal Breaſt, that favourable Opinion of us Your Loyal Commons, *that thoſe other good Bills which we have now under Conſideration, conducing to the Great Ends we have before mentioned; as alſo all Laws for the benefit and comfort of Your People, which ſhall from time to time be tendred for Your Majeſty's Royal Aſſent, ſhall find Acceptance with Your Majeſty.*

Mr. Speaker,

E. V. Sir, I have hearkened with all the attention I could to this Addreſs, and do agree with the firſt part of it. The Dangers and Inconveniencies ariſing from a Popiſh Succeſſour, are very obvious; and that there will be no Peace nor Tranquillity in this Nation for this preſent, as long as there is a Popiſh Succeſſour, and that our Religion will be loſt, if there ſhould be a Popiſh King, I am afraid is too true: But yet I muſt crave leave to diſſent from the opinion of thoſe worthy Members that have drawn it, as to the other parts thereof. I think it

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is not convenient at this time, to preſs ſo hard for the *Excluſion* Bill, becauſe we know we cannot have it without a *Prorogation*; which for my part I fear at this time, as much as I do a Popiſh Succeſſour, for I do believe, if it ſhould happen, that you will ſooner ſee the Duke at *White-Hall*, than this Aſſembly met together again between theſe Walls. And therefore am not willing to give the Popiſh party ſuch an advantage to procure our Diſſolution, leſt they ſhould lay hold of it, as I believe they would; by which the Proteſtant Intereſt both abrord and at home, will be ruin'd. And as I cannot agree in this, ſo neither in preſſing the *Aſſociation* Bill: for being it hath not yet been brought into the Houſe, we do not well know what will be the purport of it. And it is not proper, that we ſhould ask of the King we know not what; nor expect that he ſhould grant us what he can know nothing of. And truly, Sir, I think that theſe things about the Judges, Deputy-Lieutetants, and Juſtices of the Peace, are minute things to be inſiſted on at this time, compared with others which might be demanded. *Queen* Elizabeth's *Counſellors never thought her ſafe, until the Popiſh Succeſſor was incloſed in a Tower; and I am afraid that you will never be ſafe, until you take ſome ſuch courſe that may bring things to an iſſue.* When you have done that, and baniſhed all the conſiderable Papiſts out of *England*, I think we ſhall not be in ſo apparent danger, as we know are. And ſeeing this may probably be granted, and the other Bills not, I humbly move you to recommit the Addreſs that it may be better conſidered. I know not how this may agree with the ſenſe of the Houſe, but I ſhall always crave leave to ſpeak in this place according to my Conſcience,

ſcience, that ſo I may have peace within me; but readily ſubmit to better judgments.

Mr. Speaker,

Sir *W. J.* Sir, I am very glad that worthy Member agrees in the apprehenſions of the dangers ariſing from a Popiſh Succeſſor, and in the neceſſity of the Bill of Excluſion, and am very ſorry, I cannot agree with him in the reſt of his Diſcourſe. I cannot imagine, without a high reflection upon his Majeſty, that if he ſhould be perſuaded to prorogue the Houſe for two or three days, in order to paſs the Excluſion Bill, that he ſhould inſtead of permitting us to meet again, diſſolve the Parliament; which is quite contrary to it. I fear a prorogation, without being intended for this; but if once we could prevail with His Majeſty to do it for this end, I ſhould not doubt the deſired Effect. And in preſſing the *Aſſociation* Bill, we ſhall not preſs the King to grant us we know not what: The word Aſſociation may very well be underſtood, and the ends of it are declared to be for the ſecurity of His Majeſty's perſon, and the Proteſtant Religion. And if when drawn, it ſhould be directed to other ends, I ſuppoſe this Houſe will take care to mend it; if not, the King's promiſe can bind no farther than to paſs a Bill for thoſe ends. But I do much admire to hear, that the having of good Judges, Juſtices, and Commanders at Sea and Land, is a trivial thing: for I think that all other things you deſire without it, would ſignifie nothing. As long as the Laws and Militia of the Nation is in the hands of perſons not well-affected to the Proteſtant Intereſt, I am afraid we ſhall have no ſecurity againſt Popery. As to the new way that hath been propoſed of bringing matters relating to the *Popiſh Suc-*

Succeſſor, to ſuch an iſſue, as that he may be *ſecured*, as in Queen *Elizabeth*'s time. If he had been ſenſible that there are none in Office but what are for his intereſt, he would firſt have agreed to have endeavour'd to have got ſuch changed, before he would have propoſed that way. And it would be neceſſary that we ſhould alſo have ſuch Privy-Councellors as Queen *Elizabeth* had, and not *Eleven* to *Seven* for the *Popiſh Succeſſor*. And therefore ſeeing theſe Propoſals have no more appearance of being for your ſervice, I ſee no reaſon you have to be diverted from the way you were going: And therefore I humbly move to agree with your Committee.

The Houſe agreed.

December 21. 1680.

A Bill was read for Uniting his Majesty's Protestant Subjects.

Mr. *Speaker*,

P. SIr, It is not to be doubted but that the happiness of this Nation and safety of our Religion doth depend very much upon preserving the well-constituted Government of the Church, and that the Government in the State will not long stand if that be pull'd down, to which, I am afraid, this Bill will contribute very much. Sir, it is well known, how notwithstanding all the endeavours of His Majesty, as well in Parliament as otherwise, all the Acts that are in force against Dissenters, all the endeavours of the Fathers of the Church, there are a sort of men, and great numbers too, who will neither be advised nor overruled, but under the pretence of Conscience break violently through all Laws whatsoever, to the great disturbance both of Church and State. And if you should give them more Liberty, you will encourage them to go on with more boldness; and therefore I think it will be more convenient to have a Law *for forcing the Dissenters to yield to the Church, and not to force the Church to yield to them*; And I think we are going quite the wrong way to do the Nation good. And therefore I am against this Bill.

Mr. *Speaker*,

D. Sir, I would not open my mouth in favour of

of this Bill if I thought it would any ways prejudice the Church or Church-Government; but I believe it may have a quite contrary Effect, and tend more for the preſervation and ſafety of the Church and Church-Government, than any Bill whatſoever that could be contrived. We have a Church Government ſetled by Law, to which the Major part of the people, like good Chriſtians and Loyal Subjects, give obedience; but it is our misfortune that there are in the Nation a great many which will not ſubmit to this Government, which may be divided under three Heads. 1. The *Papiſts*, who differ from us in points of *Faith*, and will not give any obeyſance but to the Church of *Rome*. 2. *Independants*, *Preſbyterians*, and *ſome others*, who agree in points of Faith, and differ only in ſome points of Doctrine and Ceremonies. 3. *Quakers*, who diſagree not only in points of Doctrine and Ceremonies, but in points of Faith, and are a head-ſtrong ſort of unreaſonable people, that will not ſubmit to any Laws made about Religion, but to give obedience to the Civil Magiſtrate upon all other occaſions. The Church of *England* Men, are not only the greateſt number, but have the Government of their ſide. What Laws to make that may tend moſt to the preſerving of it is your buſineſs. It is in danger from the *Papiſts* on the one hand, and the reſt of the Proteſtant-diſſenters on the other, who in ſome meaſure agree in their enmity and diſreſpect to the Church, and therefore the more care ought to be taken for its preſervation.

Having thus, Sir, diſcovered the danger of the Church in general, it will be neceſſary, in order to find out a remedy, to diſcourſe a little of the Strength

Strength and Intereſt of each party in particular.

Sir, the *Papiſts* are not the greateſt number, but yet in my opinion, upon ſeveral conſiderations, are moſt to be feared, becauſe of their deſperate principles which make them bold and indefatigable, and the aſſiſtance they may have from *Rome*, *France*, and *Ireland*; but above all, from the great ſhare they have in the management of the Government, by the means of a *Popiſh Succeſſor*, and the fear of their getting the Government into their hands hereafter, by having a *Popiſh King*. Which of it ſelf hath been ſufficient in former times to change the Religion of this Nation, and may juſtly be feared, may have the ſame effect again, unleſs the Proteſtants be well united. The *Presbyterians*, *Independants*, and all other Diſſenters, may be more in number than the *Papiſts*, and may be willing enough to have the Church-Government altered, if not deſtroyed; yet being they cannot have any ſuccour from abroad, nor from the Government here at home, I cannot ſee any great danger of them. For it is not probable that they ſhall ever have a King of their opinion, nor a Parliament, by the diſcovery they made of their ſtrength in the laſt Elections. For according to the beſt calculation I can make, they could not bring in above one in twenty. And therefore, becauſe they have not ſuch bloody deſperate principles as the *Papiſts*, and becauſe we agree in points of Faith, and ſo no ſuch great danger from them as from the *Papiſts*, I think we have reaſon to conclude, That the Church is moſt in danger from the *Papiſts*, and that therefore we ought to take care of them in the firſt place; and we

cannot do that by any way more likely to prove effectual, than by ſome ſuch Bill as this. Becauſe if it ſhould have the effect deſigned of bringing in many of the Diſſenters into the Church, it would diſappoint them of the great hopes they have grounded on our Diviſions, and make the Church ſtronger, not only to oppoſe the Papiſts, but ſuch Fanaticks as may not come in. And if we ſhould be ſo unfortunate as that this Bill ſhould not have this ſucceſs, I do not underſtand it will any way weaken the Church-Government. And therefore I am for this Bill,

Mr. *Speaker*,

F. Sir, this Bill is intended for the preſervation of the Church, and I am of opinion, is the beſt Bill that can be made in order thereto, our circumſtances conſidered. But I know not what effect it may have, becauſe you are to deal with a ſtubborn ſort of people, who in many things preferr their humour before reaſon, or their own ſafety, or the publick good. But, Sir, I think this is a very good time to try whether they will be won by the Cords of Love or no, and the Bill will be very agreeable to that Chriſtian Charity which our Church profeſſes; and I hope that in a time of ſo imminent danger as we are in, of a common Enemy, they will conſider their own ſafety, and the ſafety of the Proteſtant Religion, and not longer keep afoot the unhappy Diviſions that are amongſt us, on which the Papiſts ground their hopes. But rather ſeeing the Church doth ſo far condeſcend as to diſpenſe with the Surplice, and thoſe other things which they ſcruple at, that they will ſubmit to the reſt that is enjoined by Law, that ſo we may unite againſt the common Enemy. But

if

If this Bill ſhould not have this deſired effect, but on the contrary, notwithſtanding this condeſcention, they ſhould continue their Animoſities and diſobedience to the Church, I think ſtill the Church will gain very much hereby, and leave that party without excuſe, and be a juſt cauſe for the making of more coerceive Laws. So that upon all accounts you have been well moved for the paſſing of this Bill.

Mr. Speaker,

E. Sir, I very much admire to hear it alledged, that this Bill will tend to the advantage of the Church; For how can the pulling down of the Pales, and weakning the Laws againſt its Enemies, be a way to preſerve it? I am of another opinion, and do think this Bill may not onely occaſion a great weakneſs, but give, I fear, a mortal Wound to the Church. Is it not much more reaſonable, that the Diſſenters ſhould ſubmit to the Church, than the Church to the Diſſenters? And I am afraid, if once the Government ſhould begin to yield to them, it will be as in 41. nothing will ſerve but an utter ſubverſion; the having of one thing, will give occaſion for demanding more; and will be impoſſible to give them any ſatisfaction, without laying all open, and running into confuſion. It is our miſery that the Church is in ſo much danger of Popery; pray, Sir, let us have a care how we Increaſe her danger from Fanaticks. Inſtead of this Bill, I humbly conceive, that Laws to force the execution of ſuch Laws as are in being againſt the Diſſenters, and what more may be neceſſary to compel an entire obedience (ſeeing the experience we have already had of this other way hath not proved effectual) may more

contribute to the ſtrengthening of the Church, and prevention of Popery.

Mr. Speaker,

Sir, as well Church-men as Diſſenters, do all know we have a dangerous common Enemy that is got within our bowels, and wants nothing but a King to their minds to have the ſtrength of the Nation, as well Civil as Military, at their Command, and ſo conſequently a ſufficient power to deſtroy the Proteſtant Religion, if not prevented by a timely Union of the Proteſtant Intereſt. The queſtion that may properly ariſe at this time is, whether the putting of the Laws we already have in execution, and making more againſt Diſſenters, in order to bring them into the Church by force, or the making of this Law to bring them in by fair means, be the moſt likely way to unite us, that ſo we may be in a better condition to oppoſe the common Enemy. It is obvious to me, that the making of new Laws, or execution of the old at this time, is the ready way to ruine us; and what the Papiſts do certainly deſire and aim at above all things whatſoever. For if it ſhould be put in practice, the effect would be this; *it would be the occaſion of throwing off the further proſecution of the Plot and Popery*, and in a little time occaſion, not onely more heats and animoſities, but ſuch a revengeful implacable Spirit amongſt us, as would prove irreconcilable, and give opportunity for the Popiſh Intereſt to joyn, with either party, or at leaſt ways abet and aſſiſt them underhand, ſo that they ſhall eaſily be provoked to deſtroy one the other. But if this ſhould not happen, what real Love, Friendſhip, or Obedience can the Church expect from ſuch perſons, as by the

the execution of ſuch Laws may be forced to come to Church? How can they be depended on, or the Church be ſtrengthened by them? You may prevent their Conventicles, and force them either to come to Church or pay Fines, or be Impriſoned; but you cannot expect that *their Opinions or Affections ſhould be altered by ſuch Proceedings, without which the Church can never be the ſtronger.* It muſt be a work of time to reconcile the Diviſions that are amongſt us, and may be a great and neceſſary employment for many Parliaments hereafter, when the common Enemy doth not give ſuch a juſt occaſion of diſtraction, and for employing all your thoughts and care about him when they may have more leiſure, becauſe their dangers may not be ſo imminent. But to go about it at this time by any ſuch Laws, is the ready way to weaken the Proteſtant Intereſt, and bring ruine upon us. But ſuppoſe we would follow this advice, and make new Laws, and require a ſevere execution of the old, how can you imagine that as long as the Popiſh Intereſt is ſo prevalent, the execution of ſuch Laws ſhall be continued longer than may be ſubſervent to the intereſt of that party? Have we not had a ſad experience of this? Hath the *Oxford*-Act, or that of the 35 of Queen *Elizabeth*, or any other againſt the Diſſenters, been executed in favour of the Church? *Are not the Diſſenters as many, if not more, now than ever?* And is not experience in all affairs the beſt Maſter? And is there any thing more viſible, than that theſe Laws have been made uſe of to ſerve the Popiſh Intereſt, or as Engines rather for the affairs of the State than Church: when in the Year 1670 by the ſevere execution of theſe Laws

all Meetings in Conventicles were prevented, and many Diſſenters came to Church, did not the Toleration happen thereupon? and was not the execution of the Laws put afoot, as may be preſumed, by that great Papiſt *Clifford*, who had then the greateſt ſhare (under his Majeſty) in the Adminiſtration of the Government? If the execution of theſe Laws againſt Diſſenters had been for the advantage of the Church, why was there then granted a Toleration? And if the Toleration had been intended for the advantage of the Proteſtant Religion, why were not the Churchmen, nor Diſſenters of any kind, pleaſed with it? And if the *Oxford*-Act, and other Laws againſt Diſſenters, were projected in favour of the Proteſtant Religion, it was ſtrange that they were ſo *much promoted* (as many Members now here who did ſerve in thoſe Parliaments do remember) by Sir *Tho. Clifford*, Sir *Solomon Swale*, and Sir *Roger Strickland, who have ſince all appeared to be Papiſts.* Sir, we have been ſtrangely led by the Popiſh Intereſt for many years already; I pray, Sir, let us not now at laſt do like *Narciſſus*, to be ſo much in love with a Shadow, as to fall into a Gulph and drown our ſelves. Sir, I am afraid the *Name of Church hath been ſtrangely made uſe of to bring in Popery.* I hope we ſhall endeavour to preſerve, not onely the *Name*, but the *Subſtance*, I mean the Proteſtant Religion, otherwiſe we may come off no better than the Dog in *Æſop*'s Fables with his Shoulder of Mutton. I hope that what I have ſaid, will not repreſent me as an Enemy to the Church, or Church-Government; I am ſure, I am not conſcious to my ſelf, that I ever entertained a thought againſt the preſervation of either. All

what

what I have ſaid, doth proceed from an apprehenſion that *our Church-men of late have been out of the right way to preſerve either our Religion or our Church*; Becauſe the courſes which they take muſt (though I am far from ſuſpecting they deſign it) give a great aſſiſtance to Popery. I remember that after the Plot broke out, there was for a little while a kind of a reconciliation amongſt Proteſtants, and an united oppoſition made to the common Enemy, and how then the Popiſh Intereſt gave way, we may all remember; *but this was too much in favour of the Proteſtant Religion to hold long.* Within a few Months the fire broke out again, *and the Pulpits and the Preſs, inſtead of being employed againſt the Common Enemy, were reduced to their old way, of carrying on the diviſions amongſt Proteſtants:* And how the Popiſh Intereſt have ſince gone on triumphant again all here, I ſuppoſe, may know. Sir, the Church hath two ſtrong Enemies, the *Papiſts* and *Fanaticks*. We are already engaged in a ſharp conteſt with the Papiſts, and find they are ſtrong enough for us; Why muſt we now alſo enter into a freſh engagement with the Fanaticks, eſpecially when we may be ſure thereby to ſtrengthen our Enemies, and weaken our ſelves? Such advice cannot proceed from ſuch as are friends to the Proteſtant Church: If we ſhould make new Laws againſt Diſſenters, as hath been moved, and enforce the execution of the old ones, as long as we have a Popiſh Succeſſor, can any man imagine, that the execution of them will be longer kept afoot, than will conſiſt with the Popiſh Intereſt? Sir, our Church and Religion will be loſt, if Union be not improved amongſt Proteſtants, and I think no Bill can promote it like

this. And therefore I am for the passing of this Bill.

Resolved, *That the said Bill be committed upon the Debate of the House.*

December 23. 1680.

Some Queries relating to the Execution of *William* late Viscount *Stafford*, offered to the House by the Sheriffs of *London* and *Middlesex*.

1. *Whether the King, being neither Judg nor Party, can order the Execution?*
2. *Whether the Lords can award the Execution?*
3. *Whether the King can dispence with any part of the Execution?*
4. *If the King can dispence with some part of the Execution, why not with all?*

Mr. Speaker,

Sir *W. J.* SIR, Death is the end of the Law in Criminal matters, the other particulars of the Sentence are but Ceremonies, used *ad terrorem*. I never read of any *Peer* that was quartered, tho many have been condemned for Treason, and some in Parliament. The Lady *Jane Gray*, and many other women, have been condemned for Treason, and in that case are always condemned to be Burnt; but however, are usually, if persons of Honour, Beheaded. Where-

fore

fore it is probable, that the Royal Power hath always diſpenced with ſuch Sentences formerly; and if ſo, this Houſe lieth not under any obligation to offer at any oppoſition, nor concern themſelves herein, eſpecially at this time, when ſuch a diſpute may end in preventing the Execution of the ſaid Lord *Stafford*. And therefore I humbly conceive you may do well to give your conſent, that the ſaid Writ be executed according to its tenour.

Reſolved, *That this Houſe is content that the Sheriffs of* London *and* Middleſex *do execute* William *late Viſcount* Stafford, *by ſevering his Head from his Body onely.*

December 30. 1680.

A Motion being made in the behalf of Judge Rayman, *that one* Sheredon *in custody of the Serjeant at Arms, by order of the House, had moved for his* Habeas Corpus; *which he had denied, because he was committed by order of the House, desiring the Opinion of the House.*

Mr. Speaker,

Sir *W. J.* SIR, the Priviledges of both Houses of *Parliament* are concern'd in this business, and in that the very being of *Parliament*; and therefore we must be very careful what we do in it. I have perused the *Habeas Corpus* Bill, and do find, that there is not any thing in it that doth reach, or can be intended to reach to any Comitment made by either House of Parliament during Session. The preamble of the Act, and all the parts of it do confine the extent of the Act to Cases bailable; and directs such courses for the execution of the Act, as cannot be understood should relate to any Commitment made by either House. This House is a Court of it self, and part of the Highest Court in the Nation, *Superiour* to those in *Westminster*-hall; and what Laws this House joyns in making, are to bind inferiour Courts, but cannot be understood to bind themselves as a Court; that would prove not onely dangerous, but destructive to the Dignity of *Parliaments*, and level them with the Courts in *Westminster*-Hall. Great care ought

ought to be taken how you allow of reſtraints and Limitations to the proceedings of both Houſes of Parliament, being ſo great a part of the Legiſlative power of the Nation, leſt thereby you ſhould by degrees render them uſeleſs. *A Commitment of this Houſe is always in nature of a Judgment; and the Act is only for Caſes bailable, which Commitments upon Judgments are not, at leaſt Commitments by this Houſe were never yet allow'd to be bailable.* And I ſuppoſe you will never grant them ſo to be. Can it be imagined that this Houſe, who preſent all the Commons of *England*, ſhould not be intruſted with as much power for the preſervation of their conſtitution upon which the ſupport of the Government ſo much depends, as ordinary Courts and Officers are intruſted with, which are only deſigned for the welfare of particular perſons? I am of opinion, that no Act can deprive this Houſe of that power, which they have always exerciſed, of committing perſons without Bail, unleſs in expreſs words it be ſo declared: Nor of diſcharging upon Bail after committed. *The ſame reaſons which may be given for diſcharging ſuch as are not committed for breach of Privilege, if it be grounded on the Act for the* Habeas Corpus, *will hold as ſtrong for the diſcharging of perſons committed for the breach of Privilege; and ſo conſequently deprive this Houſe of all its power & dignity, and make it inſignificant.* This is ſo plain & obvious, that all Judges ought to know it; and I think it below you to make any Reſolve therein, but rather leave the Judges to do otherways at their peril, and let the Debate fall without any Queſtion.

Mr. Speaker,

Sir *F. W.* Sir, the laſt Houſe of Commons being ſenſible how narrowly this Nation eſcaped being ruin'd

ruin'd by a sort of *Monsters* called *Pensioners*, which sate in the late *Long Parliament*, had entred into a Consideration how to prevent the like from coming into future Parliaments; and in order thereto resolved, that they would severely chastise some of those that had been guilty, and make the best Laws they could to prevent the like for future: And for that purpose a Committee was appointed of which Mr. Serjeant *Gregory*, now Judge *Gregory*, was Chairman; by which, many Papers relating to that affair, came to his hands. Sir, I think it a business of so great importance, that it ought never to be forgotten, nor the prosecution of it deferred. I have often heard, that *England* can never be destroyed but by its self: To have such Parliaments, was the most likely way that ever yet was invented. I remember a great Lawyer said in this House when it was debated in the last Parliament, That it was treason, and he gave many learned Arguments to make it out. Whether it be so or no, I will not now offer to debate; but I think that for those that are the Legislators of the Nation to take Bribes, to undermine the Laws and Government of this Nation, that they ought to be chastised as Traytors. It was my fortune to sit here a little while in the *Long Parliament*; I did observe that all those that had *Pensions*, and most of those that had Offices, *Voted all of a side*, as they were directed by some great Officer, as exactly as if their business in this House had been to *preserve their Pensions and Offices, and not to make Laws for the good of them that sent them here.* How such persons could any way be useful for the support of the Government, by preserving a fair understanding between the King and his People, but on the contrary how dangerous

gerous to bring in Arbitrary power and Popery, I leave to every mans judgment. They were ſo far from being *the true Repreſentatives of the People*, that they were a *diſtinct middle Intereſt* between the King and the People; and their chief buſineſs was to ſerve the end of ſome great Miniſter of State, tho never ſo oppoſite to the true Intereſt of the Nation. Sir, this buſineſs ought never to fall, tho there ſhould be never ſo many Prorogations and Diſſolutions of Parliaments, before any thing be done in it; I think it is the Intereſt of the Nation, that it ſhould *be proſecuted from Parliament to Parliament, as if there were an Impeachment in againſt them.* And therefore, Sir, I would humbly move you to ſend ſome Members of this Houſe to Judg *Gregory*, for the Papers he hath taken in his cuſtody relating to this affair, that ſo you may in convenient time proceed further herein, as you ſhall think good. And Sir, being there is a report that ſome of this Houſe have now made a Bargain at Court for great Offices in order to vitiate and corrupt their Votes in this Houſe; which tho but a project to caſt a reflection on ſuch Members, however to ſatisfie the world, I pray, Sir, let there be a Vote paſt, *That no Member of this Houſe ſhall accept of any Offite under the Crown, during ſuch time as he continues a Member of this Houſe.*

Mr. Speaker.

S. T. Sir, I am ſo over-loaden with Melancholy, as that I can hardly ſpeak in this matter: For I have received ſo many Compliments as to my being conſtituted a great Miniſter of State, that I begun to flatter myſelf, as others flattered me, that I were really ſo. But now I do diſcover, that I have been but in a kind of a dream; and to fear

that

that I ſhall never in reality have any ſuch Office. But whatever Vote you make to puniſh us Officers, I pray, Sir, let it not be ſo ſevere as that it may prejudice the publick. Suppoſe his Majeſty ſhould have occaſion to ſend ſome perſons to *Nimmeguen* for Plenipotentiaries, and there ſhould not be any men in *England* fit for it, but ſome that ſhould be Members of this Houſe, would you have the publick affairs of the Nation injured, rather than ſuch Members ſhould accept of ſuch an Employment? Or ſuppoſe ſome Invaſion ſhould happen, and there were no couragious expert Admirals to be had, but ſuch as were Members of this Houſe, ſhould they not accept thereof becauſe of your Vote? To prevent theſe inconveniencies, and to leave us all ſome hopes, I pray, Sir, add to your *Votes*, *Not without leave of the Houſe.* After ſome further Debate,

Reſolved, *That no Member of this Houſe ſhall accept of any Office or Place of profit from the Crown, without the leave of this Houſe; nor any promiſe of any ſuch Office or Place of profit, during ſuch time as he ſhall continue a Member of this Houſe.*

Janu-

January 5. 1681.

The Articles againſt Sir William Scroggs, *Chief Juſtice of the* Kings-Bench, *were read.*

Mr. Speaker,

Sir *T. L.* SIR, in my opinion the matter contained in the laſt ſeven Articles, doth not anſwer the firſt Article, nor the Title: for therein you accuſe Sir *William Scroggs* in general words of High-Treaſon, the higheſt of Crimes; and when you come to particulars, you inſtance the diſmiſſing of Grand-Juries, prohibiting printing of Pamphlets, inequality in levying of Fines, and the like. Sir, I would not be underſtood to be an Advocate for the Lord Chief Juſtice *Scroggs*; but I hope that as long as I ſit here, you will always give me leave to be an Advocate for this Houſe; which I cannot more ſignally demonſtrate than by offering my opinion againſt every thing which I think will reflect upon the Juſtice or Prudence of the Houſe, or prove any hindrance to the finiſhing of thoſe great Affairs you have under Debate.

Sir, I am of opinion, that tho all theſe things contained in theſe Articles ſhould be fully proved, they will not amount to Treaſon; and altho it be true that you do but impeach, and that the Lords are to judg, yet it is not agreeable to the Juſtice of this Houſe, that the Articles ſhould be for *Treaſon*, unleſs you are wel ſatisfied that you can make

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out that the matter contain'd in the Articles is for Which I very much doubt; and therefore I am of opinion, that the Articles ought only to be for high Crimes and Misdemeanors; which I am the more forward to press you earnestly to, because I am afraid if these Articles should go for High Treason, it may occasion some dispute with the Lords, who haply, if they do not conclude that the matter contain'd in the Articles amounts to Treason, will not commit him, notwithstanding their Order made in the Earl of *Danby*'s Case: And that may occasion such misunderstandings, as may hinder all other business. And also if you send it up for High-Treason, it may occasion another Dispute with the Bishops, whether they shall withdraw or no, when the Case comes to be tryed. Upon the whole matter, I think it will be much safer that you make the Impeachment for high Crimes and Misdemeanors only.

Mr. Speaker,

D. F. Sir my obligation to serve my Country, calls on me to give you my opinion in this matter, and not any kindness to my Lord Chief Justice: for I can safely declare, that I do not think him fit for that eminent place now, because indeed I never thought he was fit: So that what I shall say, proceeds from my kindness to the Publick, and particular obligations to this House. I think we ought to be cautious how we increase Laws to take away our lives; our Forefathers were very careful in it, as may appear by the Statute of 25 *Edw.* 3. which was made to prevent the Judges from taking on them any power to declare any thing Treason but what was expresst within that Statute; reserving all obvious Crimes of that nature to the Judgment of

of the Nation in Parliament, who no doubt may declare other things Treaſon which are not within that Statute. But 'tis a Queſtion with me, whether it can be done any other way than by Bill, that ſo it may be an Act of King, Lords, and Commons and not of the Houſe of Lords only, the Commons onely proſecutors, and the King not concern'd. That the Lords alone are proper Judges in many Caſes, when perſons are proſecuted upon ſome known Law, is not to be doubted; but I much queſtion, if they ought to be ſo in Caſes of *declarative Treaſon, though upon an Impeachment from the Houſe of Commons*: For that were to allow the Lords alone a power of making a Law in the Caſes of the higheſt nature, even of Life and Death. Sir, our Foreſathers thought not good to intruſt their Lives nor Liberties with any one Eſtate alone, they thought with a multitude of Counſellors there was moſt ſafety; and therefore I hope we ſhall be very cautious how we make a preſident in the Caſe. And I am the more earneſt in moving you herein, becauſe I am very confident that no preſident can be offer'd to make good, that there was ever anything declar'd Treaſon in Parliament which was not Felony by ſome expreſs known Law before. And I hope we ſhall be ſo careful of our ſelves & our Poſterity, as not to go about to make a breach upon the Conſtitution of the Government in this particular, but rather make the Impeachment only for high Crimes and Miſdemenors.

Mr. Speaker,

Sir *F. W.* Sir, I cannot agree with that honourable Member that ſpoke laſt, as to his notion that the Parliament cannot declare any thing to be Treaſon, which was not before Felony by ſome known

known Law; the Statute of 25 *Edw.* 3. leaves the power at large to Parliaments without any such restriction. And I am of opinion, that any thing that tends to the Destruction or Alteration of the Government, hath always been, and ought to be declared in Parliament, Treason, if brought there to be judged. *The Parliament doth not in this make new Crimes, and then condemn them*; but *only declares that to be a Crime which was so before, and wanted nothing but Condemnation* And it may consist with the prudence of this House, as well to be careful how to weaken those Laws and Customs which tend so much to the preservation of the Government, as how to increase any that may tend to the destruction of any one man, by multiplying Presidents for chastizing of Treason; the Crimes for which *Tresilian* and the rest at that time were impeached, were not *Felony* by any known Law, and yet they were condemned in Parliament. *Empson* and *Dudley* were accused in general, for endeavouring to subvert the Government, which being in general words, was not Felony by any known Law, yet the Judges having recourse to Parliament, they were condemned. The Articles against *Finch*, *Berkley*, and the rest, were all for High Treason, and the matter contained in their Articles amounted to no more than what is now contained in this. And there is so little weight in the Cases that have been offered against this, that, I think, they are offered rather for ornament than argument. *The Chancellor is the keeper of the Kings Conscience, and the Judges of his Coronation Oath.* As they are in great Places, & have a great Power, so they ought to be the more careful how they behave themselves. And as they have

have greater Incouragements, ſo to be ſubject to more ſevere Chaſtiſements than others, the publick being more concerned in their actions, and therfore the cuſtom of *Parliaments* hath made that Treaſon in them which is not ſo in other perſons. The *words* of *Judges* and *Privy Councellors* in ſuch caſes are *Overt-Acts* of themſelves. I think it will become the wiſdom of the Nation, to make all the defence and proviſion they can, againſt the corrupt doings of men in ſuch places. And I do not ſee what danger can ariſe to our Poſterities by ſuch proceedings. Is it not with the Parliament we intruſt this power? Who can imagine that a Parliament can ever be ſo conſtituted, as not to be carefully concern'd in their proceedings as to Life and Death; and only concern themſelves therein, when ſome extraordinary exigences in which the Government is much concerned requires it? What man would deſire to live after he was thought worthy of death by ſuch an Aſſembly? And notwithſtanding what hath been ſaid to extenuate the Crimes mentioned in theſe Articles, I think, the *Order that was made in the Kings Bench about Printing, by the Judges, was taking on them a legiſlative power*, which hath formerly been judged Treaſon; And I think we live now in as dangerous times as ever, *and under as great a neceſſity to have a care of the miſchiefs that may happen to the Nation by ill Judges as ever*. And I ſee no reaſon to doubt our being able to make good theſe Articles; and therefore I pray that the Articles may be ingroſſed as they are.

Mr. Speaker,

H.P. Sir, I agree that it will become this Houſe very well, to be very cautious how they make preſidents

ſidents in caſe of Treaſon, which are the *Sheet-Anchors* of Life and Death; as alſo how to weaken Parliamentary Proceedings, that are neceſſary to preſerve the Government. And I hope that nothing but the true merits of the Cauſe will lead us in a matter of ſo great importance, and neither Wit nor Oratory, nor any forced explanation of the Laws; I ſee it agreed by all, that Parliaments have a Power of declaring Treaſon. The Queſtion is, which is moſt cuſtomary and ſecureſt, to have it done by Bill, that ſo King, Lords, and Commons may joyn therein; or whether by an Impeachment from the Commons, the Lords being only the Judges; or whether any thing ought or can be declared *Treaſon* by Parliament, which was not *Felony* by ſome known Law before.

Sir, I am of opinion that it is ſafeſt and moſt agreeable to the policy of this Government, that the declaring of any thing Treaſon in Parliament ſhould be by Bill, that King, Lords, and Commons may joyn therein, that ſo ſuch a precious thing as the life of the ſubject ſhould have the greateſt ſecurity imaginable. However it is not to be doubted, but it hath been practiſed otherways, and that many perſons have been Condemned in Parliament upon Impeachments from the Commons for facts which were not *Treaſon by any known Law*. And the reaſon may be, *thereby to prevent the dangers that might ariſe from ſome Miniſters of State growing ſo great with the King, as that they ſhould be able to ſecure him from ever giving his conſent to a Bill*. In ſuch a caſe, by giving ill Counſel and other ſecret courſes, (happily as far as treaſon, yet not known by any Law) they would be ſecure from puniſhment, if this way of proceeding againſt

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ſuch a perſon where the Kings concurrence is not neceſſary, were not allowed of. And the preſerving of this right, is ſo far from being contrary to the wiſdom of our Anceſtors, that it is very agreeable to all their proceeding in the conſtitution of this Government, in order to ballance it the better, and preſerve it againſt the deſigns of great ill men. And as to the other Objection, whether the Parliament can declare any thing *Treaſon* that was not *Felony* before by ſome known Law? I am quite of another opinion, and do believe the practice hath been otherways; the *Judges* in *Rich.* the 2d's time were condemned for giving extrajudicial Opinions, which, I think, was not *Felony* by any Statute-law. A Knight of *Cheſhire* was condemn'd in Parliament, for conſpiring the death of the King's Unkle. An Earl of *Northumberland*, for giving Liveries to ſo many perſons as were judged a little Army. And many other caſes which I have read of, in which perſons have been condemn'd in Parliament, when their Crimes were not *Felony* by any known Law. But I do not take any delight in ripping up old Statutes or Preſidents about Treaſons. I am ſorry the misfortunes of our times ſhould make it now neceſſary. But if the Parliament, as I conclude, have often declared ſuch things as theſe Treaſon, and the Commons have impeached perſons guilty of ſuch Crimes, for High Treaſon, I ſee no juſt objection why theſe Articles ſhould not go up as they are drawn: For notwithſtanding what hath been ſaid to mitigate the crimes contained in theſe Articles, I am of opinion that the Order made in the Kings Bench about *Printing*, *their Warrants for ſeizing of Books*, *their diſmiſſing*

of Grand-Juries, doth tend to the ſubverſion of the Government, and hath been and ever ought to be, in Judges, judged Treaſon. And therefore, that it cannot conſiſt with the prudence of this Houſe, nor the ſecurity of the Nation, that this perſon ſhould be impeached of leſs than High-treaſon. And therefore I move you, that the Articles may be engroſt.

Mr. Speaker,

P. F. Sir, we are not going about to declare any thing Treaſon, but to offer our Articles, and leave it to the Lords; therefore moſt of theſe Arguments would be more proper there; for we only Impeach, they are to be the Judges, whether the matter be Treaſon or no. It is true, we ought to be cautious what we do in it, becauſe it is not proper that this Houſe ſhould impeach a man for Treaſon, without having good grounds for it. But is not the *Order about Printing a kind of an act of State, to ſerve inſtead of a Law?* Is not the uſe of Grand-Juries a very eſſential part of this Government? And *is not the diſmiſſing of them, as this Judge did, a way* to render them uſeleſs? Are not his *Warrants to ſeize Books and Papers Arbitrary?* and doth not *all tend to the ſubverſion of the* Government? And what better grounds ſhould we have for our proceedings? I think the Articles are well drawn, and ought to be ingroſſed as they are.

Mr. Speaker,

Sir *R. T.* Sir, I cannot admit that Parliaments by Impeachments before the Lords, can make any thing Treaſon, but only ſuch matters as were Treaſon by Common-law, before the Statute of *Edward* the Third. And, I think, we ought to be

be ſo cautious of our Poſterities, as not to preſs for ſuch Preſidents, leſt you put into the hands of the Lords a Power, for which we may have cauſe to repent hereafter, but never get back again: For the Lords do not uſe to part with thoſe Powers they once get. There are Preſidents by which it appears, that the Lords have attempted to make declarative Treaſons alone, without any Impeachment from the Commons. Have a care how you give them encouragement to proceed therein; better to keep to the other way of making no declarative Treaſons but by Bill.

The Articles were read, and Queſtion put,

Reſolved, *That the ſaid* Sir Will. Scroggs *be impeached upon the ſaid Articles, and that the ſaid Articles be ingroſſed, and carried up to the Lords by my Lord* Cavendiſh.

January 6. 1681.

Col. *Birch* made a Report of the Informations relating to the *Iriſh-Plot*, and ſeveral *Iriſh* Witneſſes were examined. And a Meſſage from the Lords about the *Iriſh-Plot* read.

Reſolved, *By the Lords Spiritual and Temporal in Parliament aſſembled, That they do declare, that they are fully ſatisfied that there now is, and for divers years laſt paſt hath been, a horrid and treaſonable Plot contrived and carried on by thoſe of the Popiſh Religion in* Ireland, *for Maſſacring the* Engliſh, *and ſubverting the Proteſtant Religion, and the antient eſtabliſht Government of that Kingdom, to which their Lordſhips deſire the concurrence of this Houſe.*

Mr. Speaker,

Sir *W. J.* SIr, the Evidence which you have heard at the Bar, and the report which hath been read, as to the Popiſh-plot in *Ireland*, is not only a plain diſcovery of the dangerous and deplorable condition of the Proteſtants in *Ireland*, but a great confirmation of what Dr. *Oates* and the reſt of the Witneſſes have ſaid as to the Plot here. So that now no man can have any excuſe for not believing it, but ſuch as are miſled by others who know it too well, becauſe they are in it. I cannot but obſerve what a coherence and agreement there is in the carrying on of theſe two Plots

Plots. *Fitz-Gerard* tells you, that in 1662. several Officers were sent into *France* to get money for carrying on of the Plot. And was it not in 1662. that we begun here with the *Toleration*, which gave the first appearance of Popery to the Parliament? In 1672. we broke the *Triple-League*, and entred into a strange correspondence with *France*; then they actually listed and armed a great number of Souldiers, which were first to go into *France*, and then to come back to carry on the Plot. In 75, and 76. all the *Clergy* in *Ireland*, said the Duke of *York* should be King in 78. And *Fitz-Gerrard* deposeth, that he then told the same to several persons, as had since proved it before Sir *John Davis* Secretary of State in *Ireland*. And doth it not appear by the Witnesses here, that they intended about that time to cut off the King? It appears, that they intended to Massacre most of the Protestants, and to conquer others; and that this they hoped to do by assistance expected from *France*, of Men and Arms, assoon as that King should be disengaged of the War he was engaged in with the Confederates. And doth not this agree not only with Dr. *Oates* his Discovery, but *France*'s too? And did we not, after we had assisted the *French* with about 12000 men, most *Irish*, and helped them in the carrying on of that War, send Plenipotentiaries to *Nimeguen*, in order to make up a general Peace, that so he might be at leisure about that time that the said party expected his assistance, and that the Clergy had told *Fitz-Gerard*, that the Duke should be King? Upon the Discovery of the *English-Plot*, the King, Lords, and Commons, declared it a horrid, damnable, execrable Plot: now upon the discovery

of this *Irish-Plot*, the Lords Spiritual and Temporal have declared the same of it. But to what purpose I know not, unless it be to discover the strength of the Popish party in that, after you know your danger and have declared it in Parliament, yet that their Interest is strong enough to baffle ours, and to prevent all manner of remedies or future security; nay, and to make you eat your own Declarations up again, and be asham'd (if possible) that ever you made such. This hath been the effect of the Declarations so often made in *Parliament as to the English Plot*: And I am afraid, that this *Declaration* that hath been read, is all that will *be done* for the *security* of *the Protestants in* Ireland. For notwithstanding all these Discoveries, which are the greatest that ever were, in a case of so great a Conspiracy, such is their influence and authority, that they have not only saved their own party from being any way weakned, (unless by those few that have been hanged) but *have gained a great number of the Protestants to joyn and contribute as much to the carrying on of their design, as they can desire.* The truth is, Sir, *England* can never be destroyed, but by it self; and the Papists well know this must be done by dividing us. If ever there were a Popish Miracle, it is in this, that seeing the Knife is so near our Throats, they should be able so to *infatuate* us, *that instead of making any preparation to prevent them, we court all manner of Divisions & Animosities amongst our selves, and cherish every project of that party that tends to our Ruin, with as much earnestness as if it tended to our safety.* But though this Witchcraft of theirs hath had a strange power with people without doors, yet I hope it will never

ver have any operation here to prevent us from doing our endeavours. And therefore seeing by this discovery we find again that all the Plot centers in the *D.* of *York*, let us, after we have agreed to what the Lords have sent down, make a Declaration to this purpose: *That the Duke of* York's *being a Papist, and the expectation which that Party have of his coming such to the Crown, hath given the greatest encouragement to the Popish Plot in* Ireland, *as well as here.*

Mr. Speaker,

Sir *H C.* Sir, as the Irish Plot doth agree with the English Plot in several circumstances before it broke out, so afterwards in the prosecution of it. Were not the Witnesses *insaminated* and discouraged, or their Evidence consumed or turn'd into *Ridicule*? and was not the same done here? Were not some of them, to prevent their Evidence, shipt off, and never heard of more; and others strangely tormented? and doth not that in some measure answer with the death of Sir *Edmund-bury Godfrey*? Did not Sir *John Davis*, and others in great Offices there, do all that they could to stifle the discovery of the Plot? and have not many of our *Ministers* done the same here? Were there not strange endevaours used to put off the Tryals of such as were accused about the Plot, or to quit them when they came to a Tryal? and have not the same endeavours been used here as to the *Lords* in the Tower, and the Tryal of *Wakeman*, and many others? and after all these Discoveries, what have we done, or what are we doing to secure our selves against this Party? Truly, Sir, I know not of any thing. But on the other hand can tell you, that great things are doing to carry on

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the Plot. I see that in order to discover the mighty power of that Party, two Parliaments have already been dissolved without doing any thing against Popery: and I am afraid, that this will have no better success. And in the intervals of Parliaments, I observe, *That all heads are at work to perswade the people out of all the particulars of the Plot, and allow them only a general notion, that the Papists would bring in their Religion if they could, but withal endeavour to perswade them that it is impossible:* That so they need not be afraid of it; and that the fears and jealousies of Popery are created by ill men, that have a design upon the Government, or Fanaticks that have a design upon the Church, and that all will end in *Forty One.* I observe also, that the Witnesses that have come in to discover the Plot, are more and more defamed and discouraged; and all others in favour of Popery, very much cherisht: And will not such proceedings and such opinions as these, if well infused into the people, be serviceable to that party, not only by dividing thereby the Protestant Interest, but by *securing to themselves this party so misled, to give them assistance in the disguise they will assume,* until they have conquer'd any party that may oppose them, and be able to stand upon their own bottom? And may they not go a great way to mislead a great many credulous persons, especially if Parliaments be kept off, *and the Press and the Pulpit too* (though I hope better) *should be directed that way?* And as these Opinions will give a great encouragement and strengthning to that party for the carrying on of their Plot, and for all manner of new contrivances, so will the entertainment the Discoverers of the last Plot have met with, se-

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cure the Papiſts of ever having more Diſcoveries made of what they are tranſacting. And will not the courſe that is taken of putting into all Offices either of truſt or profit, no perſons but ſuch who they find will thus be miſ-led either by their Ambition, becauſe they *ſee it is the only way to preferment*; or becauſe they have not underſtanding to ſee theſe Deſigns at a diſtance, be a great help to them alſo? I think, Sir, the carrying on of theſe things thus by ſuch great Authority, after the diſcovery of ſuch a Plot, and the contrary endeavours of three Parliaments, are great things to encourage the going on of the Plot, after they have firſt reduced the ſtate of Popery to the ſame condition it was in before the Plot broke out; that ſo it may creep on upon us again, as they ſhall think may be moſt for their advantage. And although I will not undertake to fathom the depth of Divine Providence, yet I am afraid, if we ſhould grow careleſs to ſecure our ſelves after ſuch ſupernatural helps, we may therein provoke God Almighty to be angry with us. And becauſe amongſt the inventions that are afoot, there is much noiſe made about the Town of *Forty One*, I cannot but obſerve, that there is ſomething in the Evidence of the *Iriſh Plot* that agrees with Forty One. *Then there was a great Maſſacre in* Ireland, *as now intended: I have ſome reaſon to remember, with ſorrow and indignation, the miſeries of Forty One; but I am afraid the diſcourſe of thoſe times, is in this conjunction made uſe of to bring on the like miſeries again upon us, and not in order to prevent them*; becauſe I find that thoſe that talk moſt of preventing the Effect, carry on the Cauſe as much as they can; which to me is a contradiction. I am

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of opinion, that the endeavours that were used before *Forty One*, *to possess the people against Parliaments, and of the Kings Power to raise Money without Parliaments, was the great cause of our Miseries in Forty One.* And I know no good reason why we should not suspect those who carry on the same designs now (tho with some little Variation) should not endeavour to bring about some Alteration in the Government again as well as those, that shew it in nothing but opposing of Popery; tho the great power that party have in representing matters, have made it to be dangerous to the State. But I see we are like to have little Assistance to prevent the carrying on of these designs in these shapes; they must have their course. I do agree that we may do well to add to this Resolution of the *Lords*, That *the Duke's being a Papist, and their hopes of his coming such to the Crown, hath given the greatest hopes and encouragement to the Popish Plot in* Ireland, *as well as in this Kingdom.* And if the Lords Spiritual and Temporal should agree to it, I hope we may in time do something against Popery: For it would be very hard, if after they have agreed in the Cause, they should deny to joyn with us in the Remedy. And seeing the *Bishops* have agreed there is a *Popish Plot* in *Ireland*, I hope the *Clergy* will *believe* there hath been one in *England*, and consider the danger of a *Popish Successor* and *Popish King*, and *Preach* and *Pray* against it: And then I shall conclude they are in good earnest against Popery, and that we should soon be able to Vanquish this common Enemy. And then I think it would be the Interest of the Nation to settle matters relating to the Church, not only so as to stand against all Opposers, but to be more beautiful and triumphant than ever.

Mr.

Mr. Speaker,

B. H. Sir, *Solomon* ſaith, *There is no new thing under the Sun*; but whoever will but conſider what great Endeavours have been uſed to ſtifle theſe Plots, and how few to prevent the like for the future, or the danger ariſing from them, muſt conclude, that the like was never done in ſuch a caſe before. All the Plots center in the *Duke*: What is done with him? He is ſent into *Scotland* to make an intereſt there, that ſo the Government of that Kingdom with an Army of 22000 Men already ſettled, and what more may be got, may be as ready at his command as the ſtrength of this Nation is here. A ſtrange way of weakning an Enemy! And doth the *Duke's* Intereſt go backward here in his abſence? No, all thoſe about the King are of his placing: And tho we think him *in Scotland*, yet he is here too, as if there were Tranſubſtantiation in the caſe. I do not underſtand how the great noiſe of *Forty One* that is now made, can tend to the ſecuring us againſt Popery; but the fear of that (which I am ſure I have a great deal of reaſon to remember) may ſeveral ways be uſed for the bringing in of Popery; and I have the more reaſon to fear ſo, becauſe I am informed that the *Juſtice of Peace who hath writ ſo many Books to fill the Peoples heads with Notions about* Forty One, *is now fled, becauſe of Evidence given before the Lords, of his being a Papiſt.* I wiſh we could do ſomething againſt the common Enemy, whoſe Power is ſo great as bids defiance to us; and then I ſhall be ready to contribute my poor Endeavours as earneſtly againſt *Forty One* men, if they be not ſo high as the Moon: for I muſt confeſs, as yet I cannot find them out here below. And if

these Churchmen would but joyn with us in ridding us of Popery, I would also joyn in preventing their fears of Fanaticks. Sir, I think you have a very good Motion made for a good Addition to the Lords Vote, as to the *Duke of* York's *being the cause of the* Irish *Plot also:* I pray let it be added, that so we may see whether the *Bishops* will do any thing against the *Duke* or no; for if they should, happily the *Clergy* may come in time to consider the danger of a *Popish Successor*, and *Popish King*, and preach and pray against *it*, as much as against *Fanaticks*. If not, and the Doctrine be true which I have often heard, that there is no distinction between the Duke's Interest and Popish Interest, I am afraid we are in a bad condition.

Resolved, *That this House doth agree with the Lords in the said Vote, with the addition of these words, That the Duke of* York's *being a Papist, and the expectation of his coming to the Crown, hath given the greatest countenance and encouragement thereto, as well as to the horrid Popish Plot in this Kingdom of* England.

A Motion being made and seconded, for the *impeaching of the Earl of* Tyrone.

Resolved, *That* Rich. Poure, *Earl of* Tyrone, *in the Kingdom of* Ireland, *be impeached of High-Treason.*

Ordered, That the Lord *Dursly* go up to the Bar of the Lords, and impeach him of High-Treason in the name of this House, and of all the Commons of *England*, and do pray that he may be committed to safe custody.

January

January 7. 1681.

His Majeſty's Meſſage, ſent on Tueſday laſt, was read.

His Majeſty's Gracious Meſſage to the Commons in Parliament, *Jan.* 4. 16$^{81}_{82}$.

CHARLES R.

HIS Majeſty receiv'd the Addreſs of this Houſe with all the diſpoſition they could wiſh, to comply with Their reaſonable Deſires; but upon peruſing it, He is ſorry to ſee Their Thoughts ſo wholly fix'd upon the Bill of Excluſion, as to determine that all other Remedies for the ſuppreſſing of Popery will be ineffectual: His Majeſty is confirm'd in his Opinion againſt that Bill by the Judgment of the Houſe of Lords, who rejected it. He therefore thinks there remains nothing more for Him to ſay in anſwer to the Addreſs of this Houſe, but to recommend to Them the Conſideration of all other Means for the Preſervation of the Proteſtant Religion, in which They have no reaſon to doubt of His concurrence, whenever they ſhall be preſented to him in a Parliamentary Way; And that They would Conſider the preſent State of the Kingdom, as well as the Condition of Chriſtendom, in ſuch a manner as may enable Him to preſerve Tangier, *and ſecure His Alliances abroad, and the Peace and Settlement at home.*

Mr. Speaker.

H. B. Sir, his Majeſty is pleaſed to ſay in his Meſ-

Meſſage, That he is confirm'd in his Opinion a gainſt the Excluſion-bill, by the Judgment of the Houſe of Lords; and that he is ſorry to ſee that this Houſe hath ſuch an opinion of it, as to conclude all other ways and means inſufficient. He is alſo pleaſed to ſay, that we have no reaſon to doubt his Concurrence in any other means that ſhall tend to the preſervation of the Proteſtant Religion, when preſented him in a Parliamentary Way; which I do not doubt but he will comply with, whenever he ſhall be pleaſed to follow the Dictates of his own Judgment. But ſo long as there are ſo many perſons about him, who have publickly declared for the *Duke's* Intereſt, we have good reaſon to doubt, that we ſhall hardly obtain any thing for the ſecurity of the Proteſtant Religion. We well know how many in the Houſe of Lords came to their Honours, and by whoſe Intereſt; and it is not ſtrange, that thoſe that are as Servants ſhou'd obey their Maſter; but it is ſtrange, that thoſe who have prevailed with the King to reject this Bill, if Proteſtants, ſhould be ſo unconcern'd in the welfare of the Proteſtant Religion, as *not to offer what Expedients they have to ſecure it any other way*; eſpecially ſeeing the laſt Parliament as well as this, found it a Task too hard for them. But to reject the Bill which we propoſe, and to offer no other to ſerve inſtead thereof, though they have had *two years time* for conſideration, is to me a plain demonſtration, that nothing muſt be had againſt Popery. That theſe difficulties ſhould be put upon us, and our Dangers thus prolonged in favour of the *Duke*, after ſuch full Evidence that the Plot centers all in him, and that the original of our Miſeries is from him, when the immediate ſafety of the King

and

and our Lives and Religion is concern'd on the other hand; is a plain diſcovery of the great Power of the Popiſh Intereſt, and of the low ebb of the Proteſtants; and that it is impoſſible that any thing can be granted us in favour of the Proteſtant Religion, as long as thoſe that are ſo much for the *Dukes* intereſt, are about the *King*. And therefore ſeeing we are not like to do any thing by *Bill*, that thoſe that ſent us here may ſee we have done what we can, let us make ſuch *Votes* as may be ſerviceable to our Country, *viz.* 1. *That the Kings Perſon nor Proteſtant Religion, cannot be ſecured any way, without the Excluſion-Bill.* 2. *That we can give no Money, without endangering the Kings Perſon and Proteſtant Religion, until we have that Bill.* And, 3. *That being ſupplies for all publick Money ought to come from this Houſe, there being no other way to ſupply the King with the love of his People as well as with Money, let us paſs a Vote to prevent Anticipations on the Revenue, and other Supplies.* And becauſe I believe things are come to a point, and that there are them that have adviſed the Diſſolution of this Parliament, and the Nation can never be happy as long as we have ſuch Counceſſors, let us, while we may, paſs our Cenſures on ſuch Perſons; for only God knows when we ſhall be permitted to Sit here again.

Mr. Speaker,

R. M. Sir, the truth is, we committed a great Error in the beginning of this Seſſion; when we went about to look into the Popiſh Plot, we went into the Tower, whereas we ſhould have gone to the Court; for it is plain, that the *Duke's* Friends which are *there*, do ſtill carry on the Plot againſt the Proteſtant Religion, as much as ever the Lord *Bellaſis*, *Powis*, or any of thoſe Lords in the *Tower*

did. And we may reaſonably conclude by the little ſucceſs we have had againſt Popery this Seſſion, that until we can remove that Intereſt from about the *King*, we take pains to no purpoſe.

Mr. Speaker,

Sir *H. C.* Sir, I am ready to agree in thoſe Votes that were moved: For it appears plain to me, that we are not like to have any Laws againſt Popery; for the truth is, the Popiſh intereſt is too ſtrong for us. If there were any intent that we ſhould have the Proteſtant Religion ſecured any other way, *it is ſtrange that thoſe who adviſe the King to oppoſe our way, ſhould not at the ſame time prevail with him to propoſe his.* I am afraid that this Advice proceeds from thoſe that think the *King* nor *Kingdom* is not in *danger* of *Popery*, becauſe they are of opinion, that *Popery* cannot *hurt* the *King* nor *Kingdom*; for otherwiſe they might plainly ſee it is like to have a Conteſt with us; and that it would be convenient it ſhould be prevented, and be induced thereby to offer ſome Expedient, if there be any. And as we may conclude our ſelves an unhappy People upon theſe accounts, ſo alſo in that the Houſe of *Lords*, after they had ſpent ſo much time about Expedients, and found them inſufficient, that they ſhould afterwards reject this *Bill*, without any further care how to preſerve the Proteſtant Religion; at leaſt, not by ſending any thing to this Houſe, tho we have heard from them of Mr. *Seymor*'s Articles, and ſome trivial matters. And alſo in that ſome worthy Members, who have the honour to ſerve in great places about his Majeſty, and have oppoſed this Bill, ſeeing this Houſe in this great *Dilemma*, ſhould not offer to do the Nation and this Houſe that kindneſs as to oppoſe them. If there be any ſuch worthy

Member

Member that have any ſuch *Expedient*, I hope he will ſtand up, and then I will preſently ſet down.

After a little Pauſe, and no Body offering to ſtand up,

The truth is, Sir, every day doth more and more diſcover our danger, and demonſtrate, that this of Expedients is put upon us, in hopes that we ſhould have offered at ſome Bill; of which, advantage might be taken to repreſent us as Perſons not well-affected to the Government; that ſo, if poſſible, even the People, as well as the *King*, might be brought out of love with Parliaments. I do remember, that after the great Endeavours which ſome *Miniſters* of State have uſed to *bribe* the late *Long Parliament*, and had come ſo near a perfection, as that the Nation was in a manner ſaved but by two or three Votes, their Diſſolution was much admired at; and it was moſt mens buſineſs to caſt about to find out the reaſon of it: Amongſt other things, it was concluded, That if the *Popiſh* intereſt had any hand in it (as believed) that it was out of hopes, that they ſhould thereby have opportunity to make the *King* out of love with all Parliaments, and ſo occaſion ſome difference between him and his People. The little ſucceſs which the laſt Parliament had, the improbability of this, and the Stumbling-blocks that are laid for the next, make me afraid, that the *Long Parliament* was diſſolved for this reaſon: I have heard that the *Jeſuits* have at this time a great ſtroke in the management of all the Affairs of *Europe*, and that it is by their advice and aſſiſtance, that the King of *France* goeth on ſo triumphantly, becauſe they deſign to make him *Univerſal Monarch*, and that in order thereto,

are true to him, tho false to all the World beſides. How far we have contributed already to the King of *France* his Greatneſs, and how this breaking of Parliaments, and keeping this Nation in this unſettled Condition, may conduce to his taking of *Flanders* and *Holland*, and his other deſigns, all here may judg: And how it agrees with the Report of the *Jeſuits* having the management of all the Affairs of *Europe*: And how this can be prevented without the *Excluſion-Bill*, is a Paradox to me. For I do ſtill conclude, that ſo long as there is a *Popiſh Succeſſor*, there will be a *Popiſh Intereſt*, and that as long as there is a *Popiſh Intereſt* and *Fears* of a *Popiſh* King, the Nation will be divided, and there will be conſtant Fears and Jealouſies not only here at home, but with our Allies abroad; which will fruſtrate all Endeavours to oppoſe the *French* deſigns, becauſe there can be no confidence between the *King* and his People. And this makes me conclude, we are under great Difficulties; if we give Money, we have reaſon to fear it may be employed to our Deſtruction; if we do not, if *Flanders* or *Holland* ſhould be loſt, great endeavours will be uſed to lay it at our doors, tho we have given ſuch hearty Aſſurances to his Majeſty of our readineſs to ſupply him with Money for the ſupport of it. And how we ſhould extricate our ſelves out of theſe Difficulties, I know not.

Sir, I have troubled you the longer, and with the more earneſtneſs, becauſe I am doubtful whether I may ever have another opportunity to ſpeak in this place. Things are ſo out of Order, and ſuch prevalent Endeavours are uſed to unſettle them more, that I am afraid, not only of our Religion, but of the very Government and being of the Engliſh

lish Nation: For if these things should occasion blood, while the *French* is so powerful, he may easily have the casting voice; and without that, only God knows what may be the end of such confusions as some men endeavour to occasion. All projects of setling the affairs of this Nation without Parliaments have hitherto proved unsuccessful, and been attended with ill consequences. I have a great deal of reason to be *sensible of the miseries of 41. and therefore am sorry to see such dissolutions of Parliaments without success.* I am afraid there are *Projectors* again afoot that are for altering the Government, as to the use of Parliaments: I judg so by their proceedings, because I am of opinion, that *Popery must destroy the use of Parliaments,* before it can be setled in this Nation. Seeing we are not like to have any Acts pass this Session that may do the Nation any good, I think you have been well moved to do what service you can by your Votes.

Mr. Speaker,

L. H. Sir, it is not only very strange, but, if I be not mistaken, contrary to the *custom* of *Parliaments,* that after the Lords have past a Negative upon a *Bill,* that we should still press for it, and declare our selves resolved not to be satisfied without it, though it be well known that the King doth also intend to pass his Negative upon it; and that it cannot be had this Session, unless his Majesty be pleased to prorogue the House of purpose to give an opportunity to go on with it again, which is very unlikely, if the contents of his Speeches and Messages be considered, seeing the Lords have confirmed him in his opinion of it. And therefore I should think it were much better to follow

his Majesties directions in his Message, and try some other way, which would be a great confirmation of our readiness to obey his Majesty, in following his advice, which, I believe, is the best way to prevent any further disagreement, that so this Parliament may have a happy conclusion.

Mr. Speaker,

Ld. C. Sir, I am fully perswaded, that we cannot be secure neither of our Religion nor Peace and Quietness, without this *Bill*; yet seeing we are not like to have it at this time, I am for going on with those other Bills that are afoot, that we may try if we can get them. Seeing we cannot do all the good we would, let us endeavour to do all the good we can. But I am ready to agree in the Vote that was proposed, That it is the opinion of this House, that neither the Kings person nor Protestant Religion can be secured any other way; provided it be not intended to bind the House from trying what may be done by other Laws, lest advantage should be taken thereof to break this Parliament, which I tremble to think of, because it will be attended with a great ruin to our affairs both abroad and at home.

Mr. Speaker,

Sir *R. M.* Sir, being the house is inclinable to hear of *Expedients*, I will crave leave to offer you one. In case the *Duke* should outlive the *King*, I think if by an Act of Parliament the Prince of *Orange* were appointed to administer the Government jointly with him, with such powers and limitations as might be thought convenient upon a serious Debate, it might give great satisfaction, and probably secure the Protestant Religion.

Mr.

Mr. Speaker,

Sir *W. J.* Sir, you have had ſeveral Propoſitions made you, and the way to come to ſome ſpeedy reſolution, is not to debate too many together, but to keep cloſe to that to which moſt have ſpoken; which, if I be not miſtaken, is that which relates to the *Duke's Bill*, which ſome have oppoſed, becauſe of the difficulties ariſing from the *Bill*, and would rather have you go into a Committee and treat of Expedients. But I think it below the gravity of the Houſe to be put out of their method, unleſs ſome Expedients were propoſed. But notwithſtanding all the provocations that have been given, we cannot hear of any Expedients, only one which hardly deſerves any further conſideration in a Committee; becauſe *Crowned Heads* nor Lovers, do not willingly allow of Rivals, but will be uneaſie until they be rid of them. And I am afraid all other Expedients will be liable to as ſtrong Objections; and that therefore it is that they are not propoſed, though they have been ſo often diſcourſed of. If any perſon would offer any that had any appearance of giving ſatisfaction, I ſhould be ready to give my voice for going into a Committee to debate them. But I know not why the Houſe ſhould loſe that time, without ſome Expedient be firſt offered. If there could be any *Expedient found out, which were likely, really, and effectually to prejudice the Duke's Intereſt, why ſhould not the ſame Argument ariſe againſt them as againſt the Excluſion-Bill?* Why would not any ſuch Bill be alſo againſt natural Juſtice, the Oath of Allegiance, a ſevere Condemnation, and not good in Law, but liable to occaſion a civil War? For I am apt to think this great conteſt is not all a-

bout an empty Name; and if not, then the ſame Arguments will hold againſt any other Bill that will be ſufficient to keep him from the Government, if ſome ſuch *Bill* or *Bills* could be contrived, as againſt the Bill of Excluſion; But the truth is, there can be no other Bill that can ſerve us in this caſe becauſe all other *Bills* will leave us in that miſerable condition of *oppoſing our lawful King*, and all oppoſition in ſuch a caſe would be liable to be conſtrued a *Rebellion*. All other Bills in this caſe would be no more for the ſecurity of our Religion, than a great many Leaſes, Releaſes and other Writings, are in many caſes of Eſtates, without Fines and Recoveries. However, I am againſt the Vote that was propoſed, That the *Duke's being a Papiſt hath rendred him uncapable of the Crown, for that were to take on us a Legiſlative power; but let your Queſtion be, that it is the opinion of this Houſe, that the Kings Perſon, nor Proteſtant Religion, cannot be ſecure without that Bill.* That ſo the proceedings of the Houſe may be juſtified in demanding that *Bill* hereafter, though we ſhould in the mean time go on with any other Bills.

Mr. Speaker,

D. F. Sir, I ſhall not trouble you with any Argument, whether the Proteſtant Religion can be preſerved under a Popiſh King, or whether an *Act of Excluſion* will be a good Act or no, or whether the *Excluſion-bill* alone, if it ſhould be granted, would be ſufficient, or what others we ſhould need; but the Queſtion is at preſent, Whether, ſeeing we cannot have this Bill we ſhall not aim at ſomething elſe, that ſo, if poſſible, we may prevent the breaking up of this Parliament, without any effect, as to the great things they were ſummoned

moned for, on which I cannot reflect without being much concerned; and I am afraid, that it will be the conſequence of perſiſting for this *Bill*. I cannot be perſwaded, notwithſtanding all that hath been ſaid, but that there are other Bills that may attain our end, or at leaſt do us ſome good. And we have no certain demonſtration that this *Bill*, if we ſhould obtain it, will infallibly do what is deſired. The Acts made in Queen *Elizabeth*'s days, did not ſuppreſs that party totally: though the Queen of *Scots* was cut off, yet that intereſt continued, and even to this day remains, and ſo it may probably though we ſhould get this Bill; and therefore why ſhould we ſtand ſo much in our own light, as not to take what we can get. The Bill of Baniſhment may be of great uſe, and ſome Bills to limit the power of ſuch a Prince, by putting the power into Parliaments and Privy-councellors; why ſhould we loſe all by being ſo eager for that we are never like to get? And therefore, I humbly conceive we may do better to go on with ſuch other Bills as may be thought convenient, and not ſtruggle nor perſiſt for the obtaining of this.

Mr. Speaker,

J. B. Sir, I am not for adventuring my life upon Rhetorick, which is all I can find there is in the diſcourſes that are made for Expedients. We all know, that a little thing altered the Government in *France*, and reduced the people of that Kingdom to Slavery: Pray let us have a care that, for want of a little ſhort Act, we be not reduced to Slavery and Popery too. Will not all the Expedients that have been talked of, or can be imagined, leave us to *conteſt* with our *lawful Prince*; and

that

that aſſiſtance which he is well aſſured of, not only from the Papiſts here, but in *Ireland*, and from *France*, and *Scotland*, I am afraid enough to make it a meaſuring caſt. And is the Proteſtant Intereſt ſo low, that tho our dangers be ſo great, that inſtead of a *Sword* to defend our ſelves, we muſt be content with a *Sheath*? I am not for cheating thoſe that ſent me here. I think it much more for the Intereſt of the Nation, that we ſhould have no Laws, than ſuch as will but *trepan* us, by failing us like rotten Crutches when we have occaſion to depend on them. I had rather loſe my Life and my Religion, becauſe I were not able to defend it, than be fool'd out of it by depending on ſuch Laws. I take it for granted, that ſeeing the Excluſion-Bill is thought too much for us, and ſuch great endeavours are uſed to preſerve the ſtrength and intereſt of that Party, that we *muſt either ſubmit, or defend our Religion by a ſharp conteſt*, and therefore I hope we ſhall not depend on Laws that will tend to weaken us. I am confident, that if ſome Miniſters of State did not ſtand as Clouds between the King and us, we ſhould have redreſs. For how can it conſiſt with his goodneſs or *Coronation-Oath*, that for the intereſt of *one man*, the Bodies and Souls of the reſt of his Subjects ſhould be in ſuch danger of periſhing, as they are in caſe of his Death, if a *Popiſh King* ſhould ſucceed, and ſuch *Popiſh Councellors*, *Judges*, *Juſtices*, and *Biſhops* too, as we had in Queen *Mary*'s days? For it cannot be doubted; but that *thoſe that will be ſo Loyal as to bring him in*, will be ſo Loyal, as it will be called, *to obey him in all things which may be for his intereſt*. And the ſame Argument which Queen *Mary* uſed, will ſupply the defect of all

Laws,

Laws, That the *Execution of all Eccleſiaſtical Laws may be ſuſpended by force, but could never be repealed by the power of Parliaments*; and therefore commanded, that notwithſtanding all Laws to the contrary, they ſhould be executed as in the beginning of her Father's Reign. The great endeavours that are uſed to *ridicule* the *Plot*, *arraign Parliaments*, and *divide* the Proteſtant *Intereſt*, is a full confirmation to me, that the Plot goeth on as much as ever. And how can it be otherways, unleſs we can get the King of our ſide, *that ſo he may be more for us than he is for the Duke*, without which, it is impoſſible that the Proteſtant Intereſt can ſtand long? In order to do ſomething, I am ready to agree in the Votes that have been made.

Mr. Speaker,

G. V. Sir, it is clear to me, that all Expedients without this Bill, cannot ſignify any thing for our defence againſt Popery. All our difficulty will be, to ſatisfy his Majeſty, that nothing elſe can ſave his people from the Popiſh Bondage. And if we could do that, I do not doubt but he will rather paſs the *Bill*, than let Three Nations periſh. The King doth now rely on the judgment of the Lords in the matter, yet happily will find upon an Information, that he hath no good ground ſo to do. For, I believe, *if he would ask the Lords why they were of that opinion, many of them would tell him, becauſe he was of that opinion, and becauſe they were awed by his preſence.* And ſeeing the Lords are changed from the time of the throwing out of that Bill, from 33 to 55; ſo they may probably change more againſt the Bill comes to them again. And I am confident will do ſo when they have conſulted their Intereſt, and have found that all other ways

to

to ſecure the Proteſtant Religion, are either impoſſible or impracticable. At leaſt, I am confident they will not throw it out again, without a Conference. And it is my opinion, there wants nothing but a Conference to have an agreement with the Lords; in the mean time, that they may have occaſion to conſider better of it, let us by a Vote declare our reſolution to ſtick to the Bill.

Mr. Speaker,

Sir *W. P.* Sir, by the Debate which you have had about *Expedients*, it plainly appears, that the Popiſh Intereſt is ſo well fixt, that we are not like to obtain any thing againſt it, that will do us any good. And it is not ſtrange, that it ſhould meet with great oppoſition. For we may reaſonably conclude, that thoſe who had the power to inſtill thoſe principles into the Royal Family, have not been negligent to improve their Intereſt, to ſecure thoſe advantages they have long hop'd for, and expected, from ſuch a Proſelite. And therefore thoſe Arguments which ſome worthy Members have uſed, as to the improbability that ever a *Popiſh* King ſhould attempt to change our Religion, as not conſiſting with his Intereſt, are to me very prepoſterous; and a great demonſtration of the influence of that party, in being able to broach ſuch Opinions as are ſo uſeful to bring in that Religion. For my part, I am of a different judgment, and do believe, that a *Popiſh Head* on a *Proteſtant Body*, would be ſuch a *Monſter in nature*, as would neither be fit to preſerve, or be preſerved; and that therefore it would as naturally follow, as night follows day, *that either the Head would change the Body, or the Body the Head.* Have we not already had ſufficient experience, what a miſerable thing it is for a King

to

to be jealous of his people, or the people of their Prince. Can it be imagined that there can be a *Popiſh King* in this Nation, without occaſioning a conſtant noiſe of Plots and Popery, and that ſuch reports grounded on the *King*'s inclinations, will not occaſion ſuch a fermentation in the people, as will end in miſery? Or if it ſhould prove otherways, that by ſuch arts as may probably then be ſet on foot, the people ſhould be lulled into a ſecurity? *Can we think that the Papiſts who have been ſo many ages at work for the opportunity, ſhould not take advantage of that ſecurity to fetter us with their Popiſh Bondage?* We may as well think that they will all then turn Proteſtants, or be true to the Proteſtant Intereſt. No, Sir, their great deſign of having a *Popiſh Succeſſor*, was in order to bring in *Popery*. And we may conclude, they will heartily and earneſtly purſue it, when ever they ſhall have a *Popiſh King*. And therefore I think it will never become the prudence of this Houſe to deſiſt from endeavouring to get the *Excluſion Bill*, which is the only remedy that can be in this caſe, that we may have a right to defend our ſelves and our Religion againſt a *Popiſh Succeſſor*, without which this Nation will be in time ruin'd. And therefore I humbly move you, that we paſs thoſe Votes that have been propoſed.

Mr: Speaker,

Sir *F.W.* Sir, I have conſidered this Meſſage with that duty and reſpect I ought; it doth ſo agree with all others which His Majeſty has been pleaſed to ſend to this Parliament, that I do believe that all proceed from the ſame Council, and that our endeavours to prevail with his Majeſty in that particular of changing Councils, hath hitherto had no

effect.

effect. The King is pleaſed to ſay, that he is confirmed in his opinion as to the Bill by the Houſe of *Lords* having rejected it; I admire how the *King* ſhould know it in a *Parliamentary* way, ſo as to intimate ſo much to this Houſe. Probably he might be preſent, as he hath generally been, ever ſince my Lord *Clifford* had ſo great a ſhare in the management of the affairs of this Kingdom. And how things have gone there ſince, we all know. I do not doubt but his Majeſty takes that unparralleld trouble of attending there daily, chiefly for the good of the Proteſtant Religion; but I cannot but obſerve that it hath had little ſucceſs. *For things however have gone with ſo much difficulty againſt the Popiſh party, that it may be a queſtion whether his Royal preſence, or the influence of a Popiſh Succeſſor were ſtrongeſt.* The Bill for Papiſts taking the Teſt, though accompanied with a great ſum of Money, paſt with much difficulty, and ſo that for excluding the Lords, and not without an exception as to his *Royal Highneſs*: And therefore we have no great reaſon to admire that this about the ſucceſſion ſhould be thrown out: And how can we expect it ſhould be otherwiſe, as long as ſo many which ſet there, are in the poſſeſſion of great places by the *Duke*'s means, and ſo many others which would come into great places, but cannot be had but by his means? And how all this together makes an Intereſt, may eaſily be imagined. Sir, I do not mention theſe things without regret, for I know my diſtance, and have a great veneration for the Nobility of this Land; and I know the Lords have their freedom of Voting, and that there are many ſit in the Lords Houſe, who have all the qualifications neceſſary for that great Station. But to ſee

a Bill of this importance treated ſo contrary to the uſual courſe of Parliaments, it is neceſſary that we ſhould a little conſider what may be the cauſe, in order to regulate our proceedings for future: For if nothing muſt go in that Houſe againſt the *Duke*, I think the Proteſtant Religion is like to have little ſecurity from Acts. If the *Duke* had ever conſulted the Books writ by his *Grandfather* or *Father*, or their Declarations in matters of Religion, he would never have brought theſe difficulties upon his King and Country. It is ſtrange he ſhould aim to get Heaven, by proceedings ſo contrary to what his Father atteſted with his blood. But though he have neglected to conſult his intereſt, I hope we ſhall not neglect to conſult ours in purſuing this *Bill*, ſeeing there is no other Remedy: Though I am afraid it is a great work, and may break many Parliaments, becauſe it is ſo like to deſtroy all the Papiſts hopes of eſtabliſhing their Religion. However, I will not fear but God granting the King life, it may be obtained at laſt; unleſs the project now afoot, of *repreſenting Parliaments as dangerous and uſeleſs, ſhould prevent the meeting of any more*: For even the *old band of Penſioners could ſlip their Collars, when Popery came bare-faced before them.* It is not to be admired, that ſeeing the Jeſuits have been a hundred years at work to rivet their intereſt, by getting a Prince of their Religion, they ſhould ſtruggle hard to preſerve it, that ſo they may have thoſe bleſſed effects they expect from it, which the Succeſſion bill only can prevent. But it is ſtrange, that after ſuch diſcoveries of the Plot here, and in *Ireland*, and the certainty of our irrecoverable danger upon the Kings death, that ſo many *Proteſtants* ſhould be deluded by that party, and rather be led

by

by artificial falſhoods to their own deſtruction, than by naked truth to joyn in that which only can ſave them. For Proteſtants to *ridicule* the Plot, and diſparage the Witneſſes, though their Evidence is ſo confirm'd, that a man may as well believe that Bread may be made Fleſh by Tranſubſtantiation, as that the danger of our Religion is not true; is as ſtrange, as to believe, that let the Papiſts carry on what Plots they will for future, there will be evermore any Diſcoveries made; But if there ſhould, I am ſure the Witneſſes will deſerve the cenſure of being mad (as was paſt on him that owned the burning of *London*) conſidering how thoſe have been rewarded. It is plain to me, that as the King was under great difficulties ariſing from the Solicitations and Advices of private *Cabals*, when he put out his Declaration in *April* 1679. that ſo he is now, and that will never be otherwiſe, until he take up the ſame reſolution again of following the advice of his Privy-Council, and great Council the Parliament: Till when, I expect no alteration in our affairs. The *King* being a Proteſtant, muſt be for the Proteſtant intereſt; the *Duke* being a Papiſt, as much for the *Papiſt* intereſt. How can it be imagined, that there can be any Union in our Councils, as long as the intereſt of the Counceſſors are ſo oppoſite? or that any thing ſhould paſs in favour of the Proteſtant Religion, as long as the major part are for the *Duke*'s intereſt? Such a contradiction hath for many years had ſtrange effects already, and muſt have worſe, until all the Kings Council be ſuch as can be free to joyn in ſetling the affairs of the Nation upon the old Proteſtant foundation; which will never be, until we have this Excluſion-bill. And therefore I think

you

you are well moved to ſignifie ſo much by a Vote. And I am glad to ſee ſo many Lords Sons joyn therein: for I hope it may be a means to get a fair underſtanding with the Houſe of Lords either now or hereafter.

Mr. Speaker;

Sir *L. J.* Sir, I have hearkned with great attention to the Debates you have had about this matter; and it is plain to me, that there can be no ſuch thing as Demonſtration in this caſe, becauſe this Excluſion Act, if obtained, may be liable to many Objections, and probably not ſecure us. Why then ſhould we be ſo bent upon it, ſeeing the great difficulties of obtaining it are ſo viſible? For my part, I think if it ſhould paſs, it would be void of it ſelf, and be of no force at all: for which reaſon, and becauſe we are not like to get it, it is ſtrange to me that no Arguments will prevail to aim at ſome other thing, that ſo we may get ſomething; which muſt be better than to have this Parliament be broken for want of our taking what we may get. For ſuppoſing the worſt, that we ſhould not get any thing that ſhould be ſufficient to prevent the *Duke's* coming to the Crown, yet we may get ſuch Laws as may be ſufficient to ſecure our Religion, though he ſhould come to it. And would it not be much better to ſpend our time in making Laws which may tend to that purpoſe, which we have reaſon to believe will be granted, than to ſpend our time in purſuing that we are not like to get? Some good Laws added to what we have, and the number of people which we have in this Nation, Proteſtants, would in my opinion be an impregnable fence againſt Popery. And it is no ſuch ſtrange thing to have a *Prince* of one *Religion*,

and *People* of another. The late Duke of *Hanover* was a *Papist*, yet lived in peace with his *People*, though *Lutherans*. The *King* of *France*, notwithstanding his Greatness, permits a great proportion of his people to be *Hugonots*, and lives in peace with them. And seeing there is a great probability that we may do so too, and that we may have what Laws we will to secure our Religion to us in such a case, why should we engage our selves farther for the getting of an Act which the *King* and *Lords* have both declared against, and will never be consented to by the *King*, as we may reasonably believe, because he hath often declared, that he thinks it an unlawful Act, and that it is against his Conscience.

Mr. Speaker,

S. T. Sir, the great Character this Honourable Member bears, the great Employments he hath been in under his Majesty abroad, as well as his Education in the Laws of this Nation, do justly challenge that what he saith should be well weighed and considered before any man should offer to contradict it. He is pleased to say, that this Act would be unlawful and invalid, if it should be obtained: And therefore, because we are not like to obtain it, and because the Duke of *Hanover*, tho' a Papist, lived in peace with *Lutherans*, and the King of *France* with *Hugonots*, that we had better spend our time in contriving Laws for the security of our Religion, if a Papist should come to the Crown, which we may get; and not in contriving Laws to keep him from the Crown, which we are not like to have. If this be not in plain English the sense of his Discourse, I am willing to be corrected. But, Sir, if it be, I do admire upon what

what foundation the firſt Arguments is grounded; I mean, thoſe relating to the unlawfulneſs and invalidity of the Excluſion-bill. Was there ever any Government in this World, that had not an unlimitted Power lodg'd ſomewhere? or can it be poſſible that any Government ſhould ſtand, without ſuch a Power? And why ſuch a Power ſhould not be allowed here, which is ſo eſſential for the ſupport of the Government, I think can only be in order (if I may ſay it without reflection) to have this Government fall; and I am afraid even at this time, by this very buſineſs we are now debating. For it muſt be the conſequence of denying that the Legiſlative Power of the Nation, King, Lords, and Commons, are not able to make Laws to prevent it. But as this Opinion is ſtrange, ſo are the Politicks drawn from the Duke of *Hanover*, and King of *France*, to induce us to be willing to have a Popiſh King come to reign over us; when neither of the ſaid Examples came home to our caſe: but if they ſhould, why muſt we be ſo willing to have a *Popiſh King* come to govern us, as that we ſhould be rather led by Examples fetch'd ſo far from abroad, than by the miſerable Examples we had here in Queen *Mary*'s days; and by the undeniable Arguments and Reaſons that have been offered to make out, that a *Popiſh King* will endeavour to bring in a *Popiſh Religion*? And notwithſtanding the Example brought from *France*, I am afraid the *French King* is bound to aſſiſt the *Duke*'s Intereſt therein; or otherwiſe it *may be ſaid of us, what the Devil could not ſay of* Job, *That we have ſerv'd him for nought, contrary to the true Intereſt of* England, *theſe many years.* But by theſe Arguments, and all the King's Speeches and Meſſages, I

plainly ſee, that this Honourable Member is in the right in one thing; That we ſtruggle in vain to get any Act that ſhall ſignifie any thing to prevent the *Duke*'s coming to the Crown: but that if you will aim at Laws to ſecure your Religion after his coming to the Crown, you may probably obtain them. If this be not plainly ſaid, I think it is plainly inferr'd; for are not all his Majeſty's Speeches and Meſſages with an abſolute prohibition as to any thing againſt the Succeſſion? and I ſuppoſe will be as much underſtood againſt your *Aſſociation* bill, or any other that tends to that purpoſe: And you may be ſure, that when you come with any ſuch, if ſo contrived as to ſignifie any thing, that the ſame oppoſition ſhall be made to them as to the Excluſion-bill. For it is plain to me, that the King's offering to concur in any Laws you ſhall propoſe for the ſecuring of your Religion, compared with the *other Limitations*, can only be ſo underſtood; which is a *fair denial of all Laws againſt Popery, at leaſt thoſe that adviſe it, I believe do ſo intend it*: For all Laws againſt *Popery*, if once you have a *Popiſh King*, will ſignifie nothing; the ſtrongeſt that can be made, would eaſily be defeated, ſo as to be of no uſe to us. Suppoſe we ſhould propoſe a Law to put a great Power in Parliaments, I mean, in both Houſes, that ſo we may have the Lords Spiritual, and *Jure Divino* of our ſide; yet it is to me very plain, that a *Popiſh King* would be able either to prevent the meeting of ſuch Parliaments, or by awing or influencing them when met, or by ſetting up a ſtronger Power than the Parliament, or a better *Jure Divino*, by means of the *Popiſh Clergy*, than ours, eaſily make all ſuch Acts ſignifie nothing. I have heard, that a wiſe

King

King hath oftentimes made wiſe Councellors, and that wiſe Councellors ſometimes make wiſe Kings; but it muſt be when their intereſt may bind them to take their advice; which in this caſe would happen otherwiſe: for the Parliaments in ſuch a caſe, muſt have ſome ſuch Power repoſed in them as would render them ſuſpitious of being Competitors for the Soveraignty; and that would make the Prince juſtly jealous of them, and ſoon end in ſuch a breach as would endanger the Government. Or to prevent this, the power muſt be ſettled ſo ſtrong in the Parliament, as to over-ballance the *Kings*; which ought not to be, becauſe it would endanger Monarchy. If a man were deſperately Sick of ſome Diſeaſe only curable by one Remedy, and that ſhould be denied him, What ſhould he do, but ſend for his *Confeſſor*, and prepare for Death? And ſo I think muſt we. And yet I cannot admire at this Meſſage of his Majeſties, but rather conſidering whoſe advice he takes, ſhould have admired if he had ſent any other. I hope we ſhall be as wiſe as the *Frogs*, who when *Jupiter* gave them a *Stork* for their King, did not appear well pleaſed therewith; to accept of Expedients to ſecure the Proteſtant Religion, after ſuch a *King* hath mounted the Throne, would be as ſtrange as if there were a *Lyon* in the *Lobby*, *and we ſhould vote, That we would rather ſecure our ſelves by letting him in and chaining him, than by keeping him out.* This Nation hath formerly had ſome repute for wiſdom and prudence, and have done much, as well in making of good Laws, as in keeping them. Pray, Sir, let us not at one Blow, or by one Omiſſion, deſtroy all thoſe Laws which our Foreſathers obtained with ſo much induſtry: I hope the King

will in time see who are his best Councellors, we that aim at the *Preservation of the present Government in Church and State, or those private Cabals which aim at Alterations*; and that he will hearken to us ere long: That so he may live with more content and Glory, and his People, without such Fears and Jealousies as now disturb them. Which cannot be, without the *Exclusion-Bill*; and therefore I agree in the Votes that have been moved.

Mr. Speaker,

L. C. Sir, I cannot but observe, that most of the Arguments used against this Bill, are the same which *Coleman* made the grounds of his Declaration, that so, if possible, he might have prepossest the People against the fear of Popery or Popish Successor. *First*, he saith, That the pretences which that Parliament made of the Protestant Religion being in danger of Popery, was without cause, because there was no disturbance given by any of that Community. *Secondly*, That the Parliaments bold Endeavours to have restrained the Succession of the Crown to certain Qualifications, would have made the Crown Elective. *Thirdly*, That therein they would have out-done the Popish Doctrince, that Heresy incapacitates Kings to reign, which was a new way of securing Religion by destroying it. *Fourthly*, That the *good Church of England* had taught their People to be obedient to their Prince, let his Religion or Deportment be what it will. Also I find, that the same Endeavours which are now used to foment Fears and Jealousies in the People, as to *Forty One*, *the danger of the Church and Government*, *and of Parliaments*, are but copied out of that Declaration. He there declares, That the Parliament was dissolved because they

they had deſigns to blemiſh the good Proteſtant Church, and to prevent the ſowing miſchievous Tares in the wholſome Field of the Church of *England*, and to preſerve the unſpotted Spouſe of our bleſſed Saviour from the ill effect of ſome deſigns that were like to be introduced by Parliament. I will not make any Annotations upon this which I have repeated, but by it I conclude, that the Papiſts are very willing we ſhould imbibe theſe Opinions, and that therefore they may probably conduce to the carrying on of their deſigns. *I could wiſh his Majeſty would order that Declaration to be read in Churches once a year, that ſo all the People, but eſpecially the* Clergy, *may know what excellent pretences the Papiſts can make of taking care of the Proteſtant Church, and how vigilant they are for that end, eſpecially to prevent that it may not be injured by the Parliament, nor by altering the Succeſſion.* The Declaration is to be a great Confirmation of what hath been ſaid of the influence of that party in the management of Affairs; for it is not likely that *Coleman* would have drawn it, but that he knew how *to have juggled it into the Council*, as if it had been *drawn by ſome good Proteſtant*, that ſo it might have been made publick, if that Parliament had been then diſſolved.

But, Sir, tho by God's Providence we have had all theſe Diſcoveries, yet I ſee no probability of obtaining any ſecurity againſt this party. I am of Opinion with that worthy Member that ſpoke laſt, that the King's Speeches and Meſſages, are plain againſt making of any Laws to prevent the *Duke's* coming to the Crown, and can only be underſtood in favour of Laws that may tend to ſecuring the Proteſtant Religion under a *Popiſh*

King? Which, I think, none can do, unleſs ſuch Laws as will endanger Monarchy it ſelf; which will not be fit for this Houſe to propoſe, or the King to grant. For without ſecuring the *Militia*, and Commands of Fleets and Armies, the nomination of Privy-Councellors, great Officers of State, Judges, Juſtices, Sheriffs, as well as the nomination of *Biſhops*, and preferments of the Clergy, in the power of ſome Society of men, it will be impoſſible to ſecure our Religion againſt that omnipotency which accompanies a Crown, if the Prince that wears it be reſolved to aſſiſt this powerful Faction. Therefore, Sir, we muſt either give up our Religion as loſt, or obtain this Bill in order to it. I am for the Vote that hath been propoſed.

Mr. Speaker,

Sir *R. H.* Sir, it is impoſſible we ſhould remove the imminent dangers impendent on this Nation, unleſs we can prevail with the King to forbear taking advice with private *Cabals*, but inſtead thereof to be adviſed by his Privy Council, and Parliaments. This indeed is the great diſpute that is now afoot; and unleſs we can prevail herein, all that we are about ſignifies nothing. And therefore, I think, we may do well to be plain in this with the King; and as we muſt not be afraid of giving him ſuch advice as is for his advantage, ſo neither of giving him aſſurances of our readineſs to ſupply him with Money, and what elſe he may need, that ſo he may know we are as willing to truſt him, as we are deſirous he would be to truſt us. For unleſs there be a mutual Confidence created between the King and his People, that ſo they may freely, heartily, and without any ſuſpi-

tion

tion truſt one the other, it is impoſſible that this Nation can ever be happy, but muſt either languiſh, as if it were in a Conſumption, or ſtrike into a Fever. The *King* being a Proteſtant, and for the Proteſtant Religion; the *Duke* being a Papiſt, and for the Popiſh Religion, are Intereſts irreconcilable, and have already given a great deal of care and trouble to the King. And, I am afraid, that thoſe who promote the *Duke*'s Intereſt, are more for the advantage of a *Popiſh Succeſſor* than of the preſent *Proteſtant King*. Which miſchiefs can never be removed as long as there is ſuch a Succeſſor. And therefore I am for the Votes that have been propoſed.

Reſolved, *That it is the Opinion of this Houſe, that there is no ſecurity nor ſafety for the Proteſtant Religion, the King's Life, or Government of this Nation, without paſſing a Bill for diſabling* James *Duke of* York *to inherit the Imperial Crown of this Realm, and Dominions and Territories thereunto belonging; and to rely upon any other means and remedies without ſuch a Bill, is not only inſufficient, but dangerous.*

Reſolved, *That his Majeſty in his laſt Meſſage, having aſſured this Houſe of his readineſs to concur in all other means for the preſervation of the Proteſtant Religion, this Houſe doth declare, That until a Bill be likewiſe paſs'd for excluding the Duke of* York, *this Houſe cannot give any ſupply to his Majeſty without danger to his Majeſty's Perſon, extream hazard of the Proteſtant Religion, and unfaithfulneſs to thoſe by whom this Houſe is entruſted.*

After

After this, ſeveral perſons being named for giving ill advice to his Majeſty, and Motions ſeconded with Arguments, that Addreſſes might be made, grounded on Common Fame, for their removal. The Houſe entred into a long Debate, touching the meaning of Common Fame, the uſage, cuſtome, and conſequences of ſuch Addreſſes in reference to the Government; and it did appear, that it was an ancient Right and conſtant Practice of the Commons aſſembled in Parliament, to make Addreſſes to the King, grounded on Common Fame, or moral certainty, for removal of ſuch Councellors or Officers, as they thought were pernicious to the Government. And that it was the only way to reach great Miniſters of State that gave evil counſel, and to ſecure the Government againſt the dangers ariſing from ſuch, who would otherways, by giving advice to the *King* in private, be ſecure againſt all manner of proceedings againſt them, and ſo the Government might be ruin'd without any remedy; that there was now as great occaſion, as ever in former times, of making uſe of this only remedy, the influence of Popiſh Councils having reduced the Nation, not only to the mercy of the Popiſh party at home, but of a Foreign Nation; the dangers whereof could never be prevented, but by eſtabliſhing ſuch a mutual confidence between the King and his People, as might give encouragement for the raiſing of a conſiderable ſum of money to be employed for that end; which was never like to be done, until there were about the King's perſon, and in places of truſt and power, perſons more inclined to the intereſt of the King and *Proteſtant Religion*, and leſs to that of the *Duke* and *Popery*.

Becauſe

Becauſe the ſame jealouſies which this Parliament had, (unleſs the cauſe were removed) would probably be alſo an impediment with the next; that there could be no ſecurity, it would be employed for that end, as long as the Duke's party were ſo powerful: And that the giving of money as long as things ſtand thus, would be a great encouragement to that party to go on with their Plot againſt the King's life. But this Debate being after Candle-light, could not be taken: The reſult was, that ſeveral *Addreſſes were voted againſt George* Earl of *Halifax*, *Laurence Hide*, Eſq; *Henry* Marqueſs of *Worceſter*, *Henry* Earl of *Clarendon*, and *Lewis* Earl of *Feverſham*.

After which, the Houſe entred into a Debate of the great Charge the Kingdom was at, by Intereſt and Advance-money paid to Goldſmiths and others. And after many Arguments, making out that by Parliaments the King might be ſupplied, as well with the love of his People, as with Money for the neceſſary ſupport of the Government, and other occaſions. And that this Parliament had by ſeveral Addreſſes offered themſelves ready to do it, upon paſſing ſuch Bills as were preciſely neceſſary for the ſecurity of the Proteſtant Religion; and that all other ways of ſupplying the *King*'s occaſions, but what were granted in Parliament, did not only tend to the keeping off Parliaments, and to the exhauſting of the publick Treaſure, by contracting Debts, but were of dangerous conſequence to the King and Kingdom, becauſe the Government might be undermined thereby.

Reſolved,

Reſolved, *That whoever ſhall hereafter lend, or cauſe to be lent, by* way of Advance, any Money upon the Branches *of the King's Revenue ariſing by Cuſtom, Exciſe, or Hearth-money, ſhall be judged a hinderer of the ſitting of Parliaments, and be reſponſible for the ſame in Parliament.*

Reſolved, *That whoſoever ſhall accept, or buy any Tally or Anticipation, upon any part of the King's Revenue; or whoever ſhall pay ſuch Tally hereafter to be ſtruck, ſhall be adjudged to hinder the ſitting of Parliaments, and be reſponſible therefore in Parliament.*

Prorogued the 10th of *January*, and Diſſolved by Proclamation the 18th of *January*, 1681.

A

LIST

OF THE

Houſe of COMMONS,

Which ſate at *Weſtminſter* from the 21ſt of *October*, 1680. to the 10th of *January* following.

Bedfordſhire, 4.

William Lord *Ruſſel.*
Sir *Humphrey Monoux* Bar.
Town of *Bedford.*
Pawlet St. John Eſq;
Sir *William Franklin* Kt.

Berks, 9.

William Barker Eſq;
Richard Southbey Eſq;
Borough of *New Windſor.*
Richard Winwood Eſq;
Samuel Starkey Eſq;
Borough of *Reading.*
John Blagrave Eſq;

Nathan.

Nathan. Knight Eſq;
Borough of *Wallingford.*
William Lenthal Eſq;
Scorie Barker Eſq;
Borough of *Abington.*
Sir *John Stonehouſe* Bar.

Bucks, 14.

Thomas Wharton Eſq;
John Hampden Eſq;
Town of *Buckingham.*
Sir *Richard Temple* Knight of the *Bath* and Bar.
Edward Lord *Latimer.*
Borough of *Chipping-Wiccomb.*
Sir *John Borlaſe* Bar.
Thomas Lewis Eſq;
Borough of *Alysbury.*
Sir *Thomas Lee* Bar.
Sir *Richard Ingoldesby* Kt. of the *Bath.*
Borough of *Agmondesham.*
Sir *Roger Hill* Kt.
Sir *William Drake* Kt.
Borough of *Wendover.*
Richard Hampden Eſq;
Edward Backwel Eſq;
Borough of great *Marlow.*
John Borlace Eſq;
Thomas Hobby Eſq;

Cambridge, 6.

Sir *Levinus Bennet* Bar.
Sir *Robert Cotton* Kt.

Univer-

University of *Cambridge.*
Sir *Thomas Exton* Kt.
Sir *William Temple* Bar.
Town of *Cambridge.*
William Lord *Allington.*
Sir *Thomas Chicheley* Kt.

Cheſter, 4.

Henry Booth Eſq;
Sir *Robert Cotton* Kt. Bar.
City of *Cheſter.*
William Williams Eſq;
Sir *Thomas Groſvenor* Bar.

Cornwal, 44.

Francis Roberts Eſq;
Sir *Richard Edgcomb* Kt. of the Bath.
Borough of *Dunbivid,*
alias *Lanceſton.*
Sir *John Coryton* Bar.
Sir *Hugh Pyper* Kt.
Borough of *Leskard.*
Sir *Jonathan Trelawney* Bar.
John Buller Eſq;
Borough of *Leſtwithiel.*
Sir *John Carew* Bar.
Walter Kendall Eſq;
Borough of *Truro.*
William Boſcawen Eſq;
Edward Boſcowen Eſq;
Borough of *Bodmin.*
Hendar Roberts Eſq;
Nicholas Glynn Eſq;

Bo-

Borough of *Helſton.*

Sir *Viel Vivian* Bar.
Sidney Godolphin Eſq;

Borough of *Saltaſh.*

Sir *John Davie* Bar.
William Jennings Eſq;

Borough of *Gamelford.*

Robert Ruſſel Eſq;
Sir *James Smyth* Kt.

Borough of *Port-Pigham.*
alias *Weſtow.*

John Trelawney Eſq;
John Trelawney Eſq;

Borough of *Crampound.*

Nicholas Herle Eſq;
John Tanner Eſq;

Borough of *Eaſtlow.*

Sir *Jonathan Trelawney* Bar.
Henry Seymour of *Langley* Eſq;

Borough of *Penryn.*

Charles Smith Eſq;
Sir *Nicholas Slanning* Knight of the *Bath*; and Bar.

Borough of *Tregony.*

Hugh Boſcawen Eſq;
Charles Trevannian Eſq;

Borough of *Boſſiney.*

Charles Bodvile Roberts Eſq;
Narciſſus Luttrel Eſq;

Borough of St. *Ives.*

Edw. Noſeworthy Senior, Eſq;
Edw. Noſeworthy Junior, Eſq;

Borough of *Foway.*

Jonathan Raſhleigh Eſq;
John Trefry Eſq;

Borough of St. *Germans.*

Daniel Elliot Eſq;
Richard Elliot Eſq;

Borough of St. *Michel.*

Sir *John St. Aubin* Bar.
Walter Vincent Eſq;

Borough of *Newport.*

William Coryton Eſq;
Ambroſe Manaton Eſq;

Borough of St. *Mawes.*

Sir *Joſeph Tredenham* Kt.
Henry Seymour Jun. Eſq;

Borough of *Killington.*

Richard Carew Eſq;
William Trevitta Eſq;

Cumberland 6.

Edward Lord *Morpeth*
Sir *John Lowther*

City of *Carliſle.*

Sir *Philip Howard* Kt.
Sir *Chriſtopher Muſgrave* Kt.

Borough of *Cokermouth.*

Sir *Richard Grahme* Bar.
Orelando Gee Eſq;

Derby 4.

William Lord *Cavendiſh*
William Sacheverell Eſq;

Town of *Derby.*

Anchitel Gray Eſq;
George Vernon Eſq;

Devonshire 26.

Sir *William Courtenay* Bar.
Samuel Rolle Esq;
City of *Exeter.*
William Glyde Esq;
Malachy Pine Esq;
Borough of *Totnes.*
Sir *Edward Seymour* Bar.
Edward Seymour Esq;
Borough of *Plymouth.*
Sir *John Maynard* Kt. his Majestie's Serjeant at Law.
Sir *William Jones* Kt.
Town of *Okehampton.*
Sir *Arthur Harris* Bar.
Josias Calmady Esq;
Borough of *Barnstable.*
John Basset Esq;
Richard Lee Esq;
Borough of *Plympton.*
George Treby Esq;
John Polexfen Merchant.
Borough of *Honiton.*
Sir *Walter Young* Bar.
Sir *Thomas Putt* Bar.
Borough of *Tavistock.*
Edward Russel Esq;
Sir *Francis Drake* Bar.
Borough of *Ashburton.*
Thomas Reynell Esq;
Richard Duke Junior, Esq;
Borough of *Clifton, Dartmouth, & Hardness.*
John Upton Esq;
Edward Yard Esq;

Bo-

Borough of *Beralſton.*

Sir *John Trevor* Kt.
Sir *William Baſtard* Kt.

Borough of *Laverton.*

Samuel Foot Eſq;
Sir *Henry Ford* Kt.

Dorſetſhire 20.

Thomas Strangeways Eſq;
Thomas Freke Eſq;

Town of *Pool.*

Henry Trenchard Eſq;
Thomas Chaſin Eſq;

Borough of *Dorcheſter.*

James Gould Eſq;
Nicholas Gould Merchant.

Borough of *Lyme-Regis.*

Henry Henley Eſq;
Thomas Moore Eſq;

Borough of *Weymouth.*

Sir *John Coventry* Kt. of the *Bath.*
Sir *John Morton* Kt. and Bar.

Melcom-Regis.

Thomas Brown Eſq;
Michael Hartley Eſq;

Borough of *Bridport.*

Sir *Robert Henley* Bar.
William Bragge Eſq;

Borough of *Shaſton,*
alias *Shaftsbury.*

Sir *Matthew Andrews* Kt.
Thomas Bennet Eſq;

Borough of *Wareham*.

Thomas Erle Esq;
George Savage Esq;

Borough of *Corf-Caſtle*.

Nathaniel Bond Esq;
Sir *Nathan Napier* Kt. and Bar.

Durham 4.

William Bowes Esq;
Thomas Fetherſton Haugh Esq;

City of *Durham*.

Sir *Richard Lloyd*
William Blakeſton Esq;

Eſſex 8.

Henry Mildmay Esq;
John Lemot Hanywood Esq;

Borough of *Colcheſter*.

Sir *Harbottle Grimſton* Bar.
Sir *Walter Clarges* Bar.

Borough of *Malden*.

Sir *Will. Wiſeman* Kt. and Bar.
Sir *Thomas Darcy* Bar.

Borough of *Harwich*.

Sir *Philip Parker* Bar.
Sir *Thomas Middleton* Kt.

Glouceſterſhire 8.

Sir *Ralph Dutton* Bar.
Sir *John Guiſe* Bar.

City

City of *Glouceſter*.

Evan Lloyd Serjeant at Law.
Sir *Ch. Berkley*

Borough of *Cirencester*.

Sir *Rob. Atkins* Jun. Kt.
Henry Poole Eſq;

Borough of *Tewkesbury*.

Sir *Hen Capel* Kt. of the *Bath*.
Sir *Francis Ruſſel* Bar.

Herefordſhire 8.

John Viſcount *Scudamore*
Sir *Edw. Harley* Kt. of the *Bath*

City of *Hereford*.

Bridſtock Hartford Eſqs;
Paul Foley Eſq;

Borough of *Lempſter*.

John Dutton Colt Eſq;
Thomas Conningsby Eſq;

Borough of *Webley*.

John Birch Eſq;
John Booth Eſq;

Hertfordſhire 6.

Sir *Jonathan Keat* Bar.
Sir *Charles Cæſar* Kt.

Borough of St. *Albans*.

Thomas Pope Blunt Eſq;
Samuel Grimſton Eſq;

Borough of *Hertford*.

Sir *Thomas Byde* Kt.
Sir *William Cooper* Bar.

Huntingtonshire 4.

Sir *Thomas Proby* Bar.
Silus Titus Esq;
Borough of *Huntington.*
Sidney Wortley, alias *Montague* Esq;
Lionel Walden Esq;

Kent 10.

Sir *Vere Fane* Kt. of the *Bath.*
Edward Dering Esq;
City of *Canterbury.*
Sir *Thomas Hardres* Kt. his Majesties Serjeant at Law.
Edward Hales Esq;
City of *Rochester.*
Sir *John Banks* Bar.
Francis Barrell Serjeant at Law.
Borough of *Maidstone.*
Sir *John Tufton* Kt. and Bar.
Thomas Fane Esq;
Borough of *Quinborough.*
William Glanvill Esq;
Sir *Edward Hales* Bar.

Lancaster 14.

Charles Lord *Brandon.*
Sir *Charles Houghton.*
Borough of *Lancaster.*
Richard Kirby Esq;
William Spencer Esq;

Borough or Town of *Preſton* in *Amoundernes*.

Sir *John Otway* Kt.
Edward Rigby Serjeant at Law.

Borough of *Newtown*.

Sir *John Chicheley* Kt.
Andrew Fountain Eſq;

Borough of *Wigorn*.

Charles Earl of *Ancrum*.
Banks Eſq;

Borough of *Clithero*.

Sir *Ralph Aſhton* Bar.
Sir *Thomas Stringer* Serjeant at Law.

Borough of *Leverpool*.

Ruiſhee Wentworth Eſq;
John Dubois Merchant.

Leiceſter 4.

Bennet Lord *Sherrard*.
Sir *John Hartop* Bar.

Town of *Leiceſter*.

John Grey Eſq;
Sir *Henry Beaumont* Kt.

Lincoln 12.

George Lord Viſcount *Caſtleton*.
Sir *Robert Carr*, Kt. *and* Bar.

City of *Lincoln*.

Sir *Thomas Meers* Kt.
Henry Monſon Eſq;

Borough of *Boſton*.

Sir *Anthony Irby* Kt.
Sir *William York* Kt.

Borough of great *Grimsby*.
William Braxholm Eſq;
George Pelham Eſq;
Town of *Stamford*.
Sir *Richard Cuſt* Bar.
William Hyld Eſq;
Borough of *Grantham*.
Sir *William Ellis* Bar.
Sir *John Newton* Bar.

Middleſex 8.

Sir *William Roberts* Bar.
Sir *Robert Atkins*
City of *Weſtminſter*.
Sir *William Poultney* Kt.
Sir *William Waller* Kt.
LONDON.
Sir *Robert Clayton* Kt.
Sir *Thomas Player* Kt.
William Love Eſq;
Thomas Pilkington Eſq;

Monmouth 3.

Sir *Trevor Williams* Bar.
William Morgan Eſq;
Borough of *Monmouth*.
John Arnold Eſq;

Norfolk 12.

Sir *John Hobart* Bar.
Sir *Peter Gleen*.

City

City of *Norwich.*

William Lord *Paſton.*
Auguſtin Briggs Eſq;

Town of *Lyn Regis.*

John Turner Eſq;
Simon Taylor Eſq;

Town of Great *Yarmouth.*

Richard Huntington Eſq;
George England Eſq;

Borough of *Thetford.*

Sir *Joſeph Williamſon* Kt.
William Harbord Eſq;

Borough of *Caſtlerising.*

Sir *Robert Howard* Kt.
James Hoſte Eſq;

Northampton 9.

John Parkhurſt Eſq;
Miles Fleetwood Eſq;

City of *Peterborough.*

Francis St. John Eſq;
Charles Orme Eſq;

Town of *Northampton.*

Ralph Montague Eſq;
Sir *VVilliam Langham* Kt.

Town of *Brackley.*

Richard VVenman Eſq;
Sir *VVill. Egerton* Kt. of the *Bath.*

Borough of *Higham-Ferries.*

Sir *Rice Rud* Bar.

Northumberland 8.

Sir *John Fenwick* Bar.
Sir *Ralph Delaval* Bar.
Town of *Newcaſtle* upon *Tine.*
Sir *VVilliam Blacket* Bar.
Sir *Ralph Carr.* Kt.

Bo-

Borough of *Morpeth.*
Sir *George Downing* Kt. Bar.
Daniel Collingwood Eſq;
Town of *Berwick* upon *Tweed.*
Ralph Grey Eſq;
John Ruſhworth Eſq;

Nottingham 8.

Sir *Scroop How* Kt.
John White Eſq;
Town of *Nottingham.*
Robert Pierrepoint Eſq;
Richard Slater Eſq;
Borough of *Eaſtretford.*
Sir *William Hickman* Bar.
Sir *Edward Nevile* Kt. Bar.
Town of *Newark* upon *Trent.*
Sir *Robert Markham* Kt.
Sir *Richard Rothwell.*

Oxon 9.

Sir *John Cope* Bar.
Thomas Hoard Eſq;
Univerſity of *Oxon.*
Sir *Leoline Jenkins.*
Dr. *Perrot.*
City of *Oxon.*
Broom Whorwood Eſq;
Alderman *William Wright*
Borough of *New-woodſtock.*
Sir *Littleton Osbalſton* Bar.
Nich. Baynton Eſq;

Bo-

Borough of *Banbury*.
Sir *John Holman* Bar.

Rutland 2.

Sir *Abel Barker*.
Philip Sherrard Eſq;

Salop 12.

Richard Newport Eſq;
Sir *Vincent Corbet* Bar.
Town of *Salop*.
Sir *Richard Corbet* Bar.
Edward Kinaſton Eſq;
Borough of *Bruges* alias *Bridgenorth*.
Sir *William Whitmore* Bar.
Sir *Thomas Whitmore* Kt. of the *Bath*.
Borough of *Ludlow*.
Francis Charlton Eſq;
Thomas Wilcot Eſq;
Borough of Great *Wenlock*.
William Forreſter Eſq;
John Woolryche Eſq;
Town of *Biſhops-Caſtle*.
Edward Waring Eſq;
Richard Schriven Eſq;

Somerſet 18.

Sir *William Portman* Bar. and Knight of the *Bath*.
George Speke Eſq;

City

City of *Bristol*

Sir *Robert Cann* Kt. Bar.
Sir *John Knight* Kt.

City of *Bath.*

Sir *George Speke* Bar.
Sir *Walter Long* Bar.

City of *Wells.*

John Hall Esq;
William Coward Esq;

Borough of *Taunton.*

Edmund Freeman Esq;
John Trenchard Esq;

Borough of *Bridgwater.*

Sir *Haswel Tynt* Bar.
Ralph Stawel Esq;

Borough of *Minehead.*

Francis Lutterell Esq;
Thomas Palmer Gent.

Borough of *Ilester.*

William Strode Esq;
John Speke Esq;

Borough of *Milburnport.*

John Hunt Esq:
Henry Bull Esq;

Southampton 26.

Jarvis Esq;

Sir *Francis Roll* Kt.

City of *Winchester.*

James Lord *Annesly*
Sir *John Clobery* Kt.

Town of *Southampton.*

Sir *Benjamin Newland* Kt.
Sir *Charles VVyndham* Kt.

Town

Town of *Portſmouth.*

George Legg Eſq;
Richard Norton Eſq;

Borough of *Yarmouth.*

Sir *Richard Maſon* Kt.
Thomas Wyndam Eſq;

Borough of *Peterfield.*

Sir *John Norton* Bar.
Leonard Bilſon Eſq;

Borough of *Newport,*
alias *Medena.*

Sir *Robert Dillington* Bar.
John Leigh Eſq;

Borough of *Stockbridge.*

Oliver St. John Eſq;
Henry Whitehead Eſq;

Borough of *Newtown.*

Sir *John Holmes* Kt.
Lemuel Kingdon Eſq;

Borough of *Chriſtchurch.*

Sir *Thomas Clarges* Kt.
George Fulford Eſq;

Borough of *Whitchurch.*

Henry Wallop Eſq;
Richard Ayliffe Eſq;

Borough of *Limmington.*

John Button Eſq;
John Butrard Eſq;

Town of *Andover.*

Sir *Robert Henley* Kt.
Francis Poulet Eſq;

Staffordſhire 10.

Sir *Walter Bagot* Bar.
Sir *John Bowyer* Bar.

City

City of *Litchfield.*

Daniel Finch Esq;
Michael Biddulph Esq;

Borough of *Stafford.*

Sir *Thomas Wilbraham* Bar.
Sir *Thomas Armstrong* Kt.

Borough of *Newcastle* under *Lin.*

Sir *Thomas Bellot* Bar.
William Levison Gower Esq;

Borough of *Tamworth.*

Thomas Thynne Esq;
Sir *Andrew Hacket* Kt.

Suffolk 15.

Sir *William Spring* Bar.
Sir *Samuel Barnardiston* Bar.

Borough of *Ipswich.*

Sir *J. Barker* Bar.
John Wright Esq;

Borough of *Dunwich.*

Sir *Robert Kemp* Bar.
Sir *Philip Skippon* Kt.

Borough of *Orford.*

Sir *John Duke* Bar.
Henry Parker Esq;

Borough of *Aldborough.*

John Bence Esq;
John Corbould Esq;

Borough of *Sudbury.*

Sir *Gervase Elwes* Bar.
Gervase Elwes Esq;

Borough of *Eye.*

Charles Fox Esq;
George Walsh Esq;

Borough of St. *Edmondsbury.*

Sir *Thomas Harvey* Kt.
Thomas Jermyn Eſq;

Surry 14.

Arthur Onſlow Eſq;
George Evelyn of *Wotton* Eſq;

Borough of *Southwark.*

Sir *Richard How* Kt.
Peter Rich Eſq;

Borough of *Blechingly.*

George Evelyn of *Nutfield* Eſq;
John Morris Eſq

Borough of *Rygate.*

Roger James Eſq;
Dean Goodwyn Eſq;

Borough of *Guilford.*

Morgan Randyl of *Chilworth* Eſq;
Rich. Onſlow of *Weſt-Clandon* Eſq;

Borough of *Gatton.*

Sir *Nicholas Carew* Kt.
Thomas Turgis Eſq;

Borough of *Haſlemere.*

Denz. Onſlow Eſq;
Francis Darrington Eſq;

Suſſex 20.

Sir *John Pelham* Bar.
Sir *Nicholas Pelham* Kt.

City of *Chicheſter.*

Richard Farrington Eſq;
John Braman Eſq;

Borough of *Horſeham.*

Anthony Eversfield Eſq;
John Michel Eſq;

Borough of *Midhurſt.*

John Lenkener Eſq;
John Alford Eſq;

Borough of *Lewes.*

Richard Bridget Eſq;
Thomas Pelham Eſq;

Borough of *New Shoreham.*

John Cheale Senior, Eſq;
John Hales Eſq;

Borough of *Bramber.*

Henry Sidney Eſq;
Henry Goringe Eſq;

Borough of *Steyning.*

Sir *John Fagg* Bar.
Philip Gell Eſq;

Borough of *East-Grinſtead.*

Goodwyn Wharton Eſq;
William Jephſon Eſq;

Borough of *Arundel*

William Garway Eſq;
James Butler Eſq;

Warwickſhire 6.

Sir *Edward Boughton* Bar.
Robert Burdett Eſq;

City of *Coventry.*

Richard Hopkins Eſq;
John Stratford Eſq;

Borough of *Warwick.*

Thomas Lucy Eſq;
Richard Booth Eſq;

Weſtmoreland 4.

Allan Bellingham.
Chriſtopher Phillipſon Eſq;
Borough of *Apulby.*
Anthony Lowther Eſq;
Richard Tufton Eſq;

Wiltſhire 34.

Sr *Walter St. John* Bar.
Thomas Thynne Eſq;
City of *New Sarum.*
Sir *Thomas Mompeſſon* Kt.
Alexander Thiſtlethwaite Eſq;
Borough of *Wilton.*
Thomas Herbert Eſq;
Sir *John Nicholas* Kt. of the *Bath.*
Borough of *Downton.*
Sir *Joſeph Aſh* Bar.
Maurice Blockland Eſq;
Borough of *Hindon.*
Sir *Richard Grobham How* Kt. Bar.
Richard How Eſq;
Borough of *Weſtbury.*
William Trenchard Eſq;
Edward Norton Eſq;
Borough of *Hetsbury.*
William Aſh Eſq;
Edward Aſh Eſq;
Borough of *Calne.*
Sir *George Hungerford* Kt.
Lionel Ducket Eſq;

Borough of the *Devizes*.

Sir *Giles Hungerford* Kt.
John Eyles Eſq;

Borough of *Chippingham*.

Sir *Edward Hungerford* Kt. of the *Bath*.
Samel Aſh Eſq;

Borough of *Malmesbury*.

Sir *William Eſcourt* Bar.
Sir *James Long* Bar.

Borough of *Cricklade*.

Hungerford Dunch Eſq;
Edmund Webb Eſq;

Borough of Great *Bedwyn*.

William Finch Eſq;
Francis Stonehouſe Eſq;

Borough of *Lugderſale*.

Thomas Neal Eſq;
John Gerrard Eſq;

Borough of *Old Sarum*.

Henry Lord *Coleraine*
Sir *Eliab Harvey*

Borough of *Wooton Baſſet*.

Henry St. John Eſq;
Laurence Hyde Eſq;

Borough of *Marlborough*.

Thomas Lord *Bruce*
Thomas Bennet Eſq;

Worceſterſhire, 9.

Samuel Sandys Eſq;
Thomas Foley Eſq;

City of *Worceſter*.

Sir *Francis Winnington* Kt.
Thomas Street one of his Majeſties Serjeants at Law.

Bo-

Borough of *Droitwitch.*

Henry Coventry Eſq; Principal Secretary of State.

Samuel Sandys Junior Eſq;

Borough of *Evesham.*

Sir *James Rushout* Bar.

Henry Parker Eſq;

Borough of *Bewdley.*

Philip Foley Eſq;

York 30.

Charles Lord *Clifford*

Henry Lord *Fairfax*

City of *York.*

Sir *Henry Thomſon* Kt.

Sir *John Hewley* Kt.

Town of *Kingſton* upon *Hull.*

Sir *Michael Warton* Kt.

William Gee Eſq;

Borough of *Knaesborough.*

Sir *Thomas Slingsby* Bar.

William Stocdale Eſq;

Borough of *Scarborough.*

William Thompſon Eſq;

Francis Thompſon Eſq;

Borough of *Rippon.*

Richard Stern Eſq;

Chriſtopher Wandesford Eſq;

Borough of *Richmond.*

Thomas Craddock Eſq;

Humphry Wharton Eſq;

Borough of *Heydon.*

Sir *Hugh Bethell* Kt.

Henry Guy Eſq;

Borough of *Corfe Boroughbrig.*
Sir *Thomas Mauliverer* Bar.
Sir *John Brooke* Kt.

Borough of *Malton.*
William Palmes Eſq;
Sir *Watkinſon Paylor* Bar.

Borough of *Thirſke.*
Nicholas Sanderſon Eſq;
Sir *William Franklan* Kt.

Borough of *Aldborough.*
Sir *Brian Stappleton* Bar.
Sir *Godfrey Copely* Bar.

Borough of *Beverly.*
Sir *John Hotham* Bar.
Michael Warton Eſq;

Borough of *North-Allerton.*
Sir *Gilbert Gerard* Bar.
Sir *Henry Calverly* Kt.

Borough of *Pontefract.*
Sir *John Dawney* Kt.
Sir *Patience Ward* Kt.

BARONS of the CINQUE-PORTS.

(16.)

Port of *Haſtings.*
Sir *Robert Parker* Bar.
John Aſhburnham Eſq;

Town of *Winchelſea.*
Creſwel Draper Eſq;
Thomas Auſtin Eſq;

Town

Town of *Rye.*

Sir *John Dorrell* Kt.
Thomas Frewen Eſq;

Port of New *Rumney.*

Sir *Charles Sedley* Bar.
Paul Barrett Eſq;

Port of *Hythe.*

Sir *Edward Dering* Bar.
Edward Hales Eſq;

Port of *Dover.*

William Stokes Eſq;
Thomas Papillon Eſq;

Port of *Sandwich.*

John Thurban Eſq;
Sir *James Oxenden* Kt. Bar.

Port of *Seaford.*

Sir *William Thomas* Bar.
Herbert Stapely Eſq;

WALES

(24.)

Angleſey 2.

Richard Bulkeley Eſq;

Town of *Bewmoris.*

Henry Bulkely Eſq;

Brecon 2.

Richard Williams Eſq;

Town of *Brecon.*

John Jeffreys Eſq;

Cardigan 2.

Edward Vaughan of *Tronſcoad* Eſq;
Town of *Cardigan.*
Hector Phillips Eſq;

Carmarthen 2.

John Lord *Vaughan* Kt. of the *Bath.*
Town of *Carmarthen.*
Altham Vaughan Eſq;

Carnarvan 2.

Thomas Bulkley of *Dinas* Eſq;
Town of *Carnarvan.*
Thomas Moſtin of *Glotheth* Eſq;

Denby 2.

Sir *Thomas Mydelton* Bar.
Town of *Denbigh.*
Sir *John Salisbury* Bar.

Flint 2.

Mutton Davies Eſq;
Town of *Flint.*
Roger Whitley Eſq;

Glamorgan 2.

Buſſy Manſel Eſq;
Town of *Cardiffe.*
Sir *Robert Thomas* Bar.

Merioneth 1.

Sir *John Wynne* Kt. Bar.

Pembrook 3.

Sir *Hugh Owen* Bar.
Town of *Haverford-West.*
Thomas Owen Eſq;
Town of *Pembrook.*
Arthur Owen Eſq;

Montgomery 2.

Edward Vaughan Eſq;
Town of *Montgomery.*
Matthew Price Eſq;

Radnor 2.

Rowland Guynne Eſq;
Town of *Radnor,*
Griffith Jones Eſq;

The COMMONS
In all 513.

FINIS.

THE DEBATES IN THE House of Commons, Assembled at OXFORD

The Twenty first of *March*, 1680.

The Three first days being spent in Chooſing their Speaker, the Confirming of him, and taking the Oaths as the Law directs; on Thurſday the Twenty fourth of *March*, 1680. they began thus.

Thurſday, *March* 24. 1680.

Sir *J. H.* MR. *Speaker*, What I am about to Move, concerns us all. The laſt Parliament when you was moved to Print your Votes, it was for the Security of the Nation, and you found it ſo. It prevented ill Repreſentations of us to the World, by falſe

Copies of our Votes, and none doubted your Honour in the care of it. And I am confident that this House will be no more ashamed of their Actions than the last was. Printing our Votes will be for the Honour of the King, and the Safety of the Nation. I am confident if it had been necessary, you would have had Petitions from the Parts I come from, that your Actions might be made publick. As I came hither, every body almost that I met upon the Road, cryed, God bless you in what you are going about. I Move therefore, that your Votes may be ordered forthwith to be Printed, with the rest of your Proceedings; and I shall only add, that your self has done so well in taking that care upon you the last Parliament, that the House will desire you to continue them in the same Method.

Sir *W. C.* That which put me upon Moving the Printing your Votes the last Parliament, was false Copies that went about in former Parliaments, of the Votes and Transactions of the House. Let men think what they please, the weight of *England* is the People; and the more they know, the heavier will it be; and I could wish some would be so wise as to consider that this weight hath sunk ill Ministers of State (almost) in all Ages; and I do not in the least doubt but it will do so to those who are the Enemies of our Religion and Liberties. And the World will find the honest Commons of *England* will sink Popery at last, therefore I second the Motion.

Sec. *J.* I beg pardon if I consent not to the Motion of Printing the Votes, *&c.* consider the

the Gravity of this Assembly. There is no great Assembly in Christendom does it. 'Tis against the gravity of this Assembly, and 'tis a sort of Appeal to the People. 'Tis against your gravity, and I am against it.

H. B. If you had been a Privy-Council, then 'twere fit what you do should be kept secret. Your Journal Books are open, and Copies of your Votes in every Coffee-House; and if you Print them not, half Votes will be dispersed to your prejudice. This Printing, *&c.* is like plain *English*-men, who are not asham'd of what they do; and the people whom you represent, will have a true account of what you do; you may prevent the publishing what parts of the Transactions you please, and print the rest.

L. G. I find that those who write out Votes and Transactions, and send them all *England* over, are favoured; and I believe no Gentleman in the House will be against Printing them but the Secretary. I hope you will not have reason to be asham'd of what you do, therefore I am for Printing, *&c.*

Col. *M.* By experience we have found, that when former Parliaments have been Prorogued or Dissolved, they have been sent away with a Declaration against their proceedings. If our Actions be naught, let the World judge of them; if they be good, let them have their vertue. 'Tis fit that all Christendom should have notice of what you do, and Posterity what you have done, and I hope they will do as you do, therefore I am for Printing, *&c.*

Sir *F. W.* What has been said by the Secretary is a single Opinion, (for he says, that

Printing the Votes is an Appeal to the People) I hope the Houſe will take notice, that Printing the Votes is not againſt Law. But pray who ſent us hither? The Privy-Council is conſtituted by the King, but the Houſe of Commons is by the choice of the People. I think it not natural nor rational, that the People who ſent us hither, ſhould not be informed of our Actions. In the Long Parliament it was a Trade amongſt Clerks to write the Votes and diſperſe them, and were queſtioned for it there; but 'twas then ſaid by a Learned Gentleman, that 'twas no Offence to inform the People of the Votes of Parliament, the Journal Books being open, and the People ought to have notice of them. The Long Parliament were wiſe in their Generation, to conceal many things they did from the People, and yet the Clerk was ſent away, (who diſperſed the Votes) and had nothing done to him. The Popiſh Party dread nothing more than Printing what you do, and I dread a man in the Secretaries poſt, and ſuch an Accuſation as was upon him in the laſt Parliament, that he ſhould hold ſuch a Poſition, that Printing the Votes is an Appeal to the People. *Vide the Printed Vote of this day.*

A Motion was made to enquire into the miſcarriage of the Bill for Repeal of 35 El. *&c.*

R. H. I think the Motion is to enquire after the ſlipping of that Act the laſt Parliament, and not preſenting it for the Royal Aſſent. For my own part, I look upon it as a breach of the conſtitution of the Government. We are told

that

that we are Republicans, and would change the Government; but ſuch as are about to do ſo, 'tis a natural fear in them to be thought ſo, and they will caſt it upon others. In a crowd 'tis frequent for Pickpockets to cry out, Gentlemen, have a care of your Pockets, that they may more ſecurely do it themſelves, and have the leſs ſuſpicion upon them. I will not offer this great thing to the conſideration to day, but move you to Adjourn it till to morrow.

Sir *F. W.* I ſhall humbly put in this word. I doubt this matter will be too big to be debated to day; 'tis of great importance, and will not be forgotten; be pleaſed to Adjourn the Debate, *&c.*

Sir *N. C.* I humbly Move, that for the preſervation of the Proteſtant Religion, and the Kings Perſon, a Bill be brought in to prevent a Popiſh Succeſſor, and in particular againſt *James* Duke of *York*, the ſame Bill which paſt the laſt Parliament.

Sec. *J.* You are upon riſing, and I ſhall not detain you long. I muſt give my Negative to this Motion, and my reaſon why I do ſo, is, becauſe the King hath declared in his Speech, that as to the point of altering the Succeſſion, he cannot depart from what he has ſo often declared. The King has given his Vote againſt it, and therefore I muſt do ſo too.

L. G. The Duke of *York* is in *Scotland*, and I hope the King will come up to what he has ſaid in his Speech. My Liberty and Property is dear to me, and I'le ſupport the King's Prerogative too; and I hope we ſhall remove thoſe people, Briars and Thorns who ſcratch you in

your Intentions againſt Popery; which I ſee we cannot prevent without this Bill to Exclude the *D.* &c. And therefore I am for it.

Col. *B.* I am heartily glad to find that the Zeal of the Houſe ſtill continues for the preſervation of the Proteſtant Religion. My Opinion is, that we cannot preſerve the Proteſtant Religion with a Popiſh Succeſſour to the Crown, no more than Water can be kept cold in the hot Pot; but I would do it in all the decent ways to come at it. The King recommends to you in his Speech, to look back to what he formerly ſaid as to the Succeſſion, *&c.* If there be no other way to prevent Popery, but a Bill to exclude the D. &c. from the Succeſſion, *&c.* my Opinion is, That 'twill be more decent to our Prince, and better for thoſe who ſent us hither, that before the Bill be brought in, to give it the honour of a day, to conſider of Expedients to ſave Religion under a Popiſh Succeſſour; for that I ſhall expect from ſome Honourable Perſon: but if none come, then you may proceed to this Bill with more honour. Therefore I move to appoint a day to conſider of it.

Sir *J. E.* I ſhould not have troubled you, but from what was ſpoke laſt. By all means juſt and lawful, we are to ſecure our Religion and Properties: We ſee the great attempts made upon us from *Rome*, and we muſt do ſomething for our farther ſecurity. I will not ſpeak of the former Bill of Excluding the *D.* &c. nor of the King's Speech, that gives you latitude for Expedients; and I would not offer any, if I thought they would not do as well

as

as that Bill, which is but an Expedient. But because the King has declared againſt that Bill, and invited you to Expedients, I would not put that Bill any more to the hazard of rejection, but think of ſome Expedients.

W. H. I can ſee no Expedient to ſave Religion and preſerve the King's perſon, but the Bill to Exclude the D. &c. All Gentlemen I believe would be willing as to the Manner and ſave the Matter: But when our Prince is incompaſſed (all) with the D's Creatures, the D's ſafety is becauſe of their dependencies: The danger is not from Popery, but from the K's being encompaſſed with the D's Creatures. I would proceed in this matter with all decency; and ſince a day is moved for, pray let's have time to conſider.

Sir *C. M.* You are invited by the K's gracious Motion to conſider how to preſerve Religion, *&c.* I deſire we may not now put a Queſtion for bringing in a Bill to ſeclude the *D. &c.* elſe properly we cannot conſider any Expedients for preſervation of Religion.

B. W. The conſideration of the preſervation of the Proteſtant Religion, is of that weight, that though we have ſhew'd our Zeal to it, yet I would not run upon a thing of this great nature, without conſideration. They who adviſed the K's Speech, muſt anſwer for it. The words of the Speech are, *If any other way can be found out*, &c. *Vide* I think thoſe about the King have done enough to ruin Him and Us: But I would have the K. ſee we are ſo far from putting him upon that ſtreſs, that we would help him out. I think that Speech the

King read to us, to have nothing of the King's in it; He is a better man, and a better Proteſtant, than to do it of Himſelf: Therefore I would not put on a Reſolution as flat and as ſhort as that is in the K's Speech. The King has gone as far as this Reſolution in his Speech comes to, in his Declaration about Diſſenters formerly; and yet from the Reaſons from Hence, he was perſwaded to revoke it. If perſons have been ſo prevalent as to put the King upon this Speech, let me ſee thoſe perſons ſo forward to bring the King into a thing to help him out; if they do not, I hope the King will lay the blame at their doors, and not at ours. If they could have told us what Expedients were neceſſary, they would have put them into the King's Speech, and the Reſolution-part of not altering the Succeſſion would have been left out. A little conſideration in this great matter, can do us no hurt, and will ſatisfie the People without doors: But if they about the King can find out no Expedient, I hope he will lay them aſide, and take their counſel no more. Put not off this Conſideration farther than *Saturday*; and if they can find us out an Expedient betwixt this and then, 'tis very well.

H. P. I have always obſerved, that the moſt deliberate Proceedings have had the beſt ſucceſs here, and the beſt reputation abroad. I am as willing as any man to come to this moved for, but with deliberate ſteps. For my ſhare, though I hear of Expedients abroad, yet I cannot conceive that a Title or Name can deſtroy the nature of Expedients. But the King

King in his Speech has held you out a Handle (*Vide*) And I would not give thoſe about the King occaſion to ſay, that this Houſe is running into a Breach with him. I would pay the King all the reſpect in the world, and you cannot avoid ſetting apart a time to conſider Expedients; and I would not mix any thing with the Debate that day. I think to morrow is too ſoon to debate it: I ſhall propoſe *Saturday* for that Conſideration; and then let us do what's fit in ſo weighty a matter.

R. H. This is a matter of great weight, and I would adjourn it to to-morrow. For the reaſon of propoſing Expedients, I do not move to adjourn for that; for 'tis as little reaſon to me to expect any, as 'twas the laſt Parliament. That Parliament gave Reaſons why no Expedients could be of any effect, but this Bill of Excluſion; and that Parliament ſaw enough of Expedients. There are a great many talked of abroad in the ſtreets, and won't you hear Expedients? What can a man ſay leſs with any modeſty? But no man can ſay but we are in danger of loſing our Religion, if the *D.* ſhould come to the Crown. But the Queſtion before you is, Whether you'l put off this Debate? Therefore I move that the Houſe will take into Debate the ſecurity of the Proteſtant Religion to morrow.

Sir *F. W.* All that I ſhall propoſe is, That you would ſo word the Queſtion as to have no diminution to the Motion made for the Bill, *&c.* upon your Books, nor prejudice, nor reflexion. When this Bill paſt the laſt Parliament, it was *Nemine Contradicente*; and moſt of

of this Parliament were of the laſt. For Expedients, 'tis a word mightily uſed and talked of, and willingly embraced; but none have been propoſed. Let this matter be reaſſumed on *Saturday* morning, and ſo taken into conſideration to ſecure the Proteſtant Religion; and not to let appear upon your Books any thing relating to Expedients or preventing a Popiſh Succeſſour.

J. T. I was much ſurprized at the King's Speech, conſidering your weighty Reaſons for the Bill, *&c.* the laſt Parliament; and that the Lords found out no Expedients for preſervation of Religion, and yet threw out the Bill. But that the King may ſee that what we do, is out of real ſenſe of the danger we are in from a Popiſh Succeſſour, and not in cotradiction to him; and when nothing is found out to ſave us, we may juſtifie our ſelves in what we do. I am for adjourning the Debate. *Vote, vide the Print.*

Friday, *March* 25. 1681.

Thanks moved for free Choice of Members.

J. S. WHen there has been a general Corruption, and all have not done their duty, you ſhould diſtinguiſh and give thanks to them that have; and formerly you have done to Officers for doing their duty in ſuppreſſion of Popery, when through the corruption of the times ſome have not done their duty. Nothing is more Parliamentary than to return

return Thanks to thoſe who have freely and without expence choſen you Members; and I deſire that the Members ſo elected may be ordered to ſend their Thanks to thoſe who choſe them. *Vide the Vote in the print.*

The loſs of the Bill for repeal of 35 Eliz. *moved.*

Sir *W. 7.* This matter deſerves material conſideration, whether in reſpect of the loſs of the Bill, or the ſhaking of the very Conſtitution of Parliament. The Bill that is loſt is of great moment, and of great ſervice to the Country, and perhaps to their lives in the time of a Popiſh Succeſſour. Thoſe men that hindred the paſſing that Bill, had a proſpect of that; and if it be ſent up again, we are like to meet with great oppoſition. But be the Bill what it will, the Preſident is of the higheſt conſequence: The King has his Negative to all Bills; but I never knew that the Clerk of the Parliament had a Negative, if he laid it aſide or not. But conſider, if we ſend up many good Bills, if this be not ſearched into, we may be deprived of them. No man that knows Law or Hiſtory, but can tell that to Bills Grateful and Popular the K. gives his conſent to them—— But if this way be found out, that Bills ſhould be thrown by, it may be hereafter ſaid, they were forgot and laid by, and ſo we ſhall never know whether the K. would paſs them or no. If this be ſuffered, 'tis in vain to ſpend time here; and 'twill be a great matter to find time to redreſs it. I Move therefore, that a Meſſage be ſent to the Lords for a Conference,

rence, that ſome way may be found out to give us ſatisfaction in this great matter.

H. B. I do concur with the Gentleman ſpoke laſt, that Parliaments are Prorogued and Diſſolved by the King; and now here is a new way found out to fruſtrate Bills. The King cannot take one part of a Bill, and reject another, but gives a direct anſwer to the whole. But to avoid that, this Bill was never preſented to the King, a thing never done before. I deſire we may ſend to the Lords for a Conference, to repreſent this Innovation, and that a Committee be appointed to draw up Reaſons for the Managers.

W. G. I was a friend to this Bill, and I agree in all things concerning the weight of it. The laying this Bill aſide, is ſuch a Breach of the Conſtitution of Parliament, that 'tis in vain to paſs any Bill if this Miſcarriage be not ſearched into. By the Conſtitution of Parliaments, all Bills but Money-Bills, after they are paſt both Houſes, are depoſited in the Lords hands; and 'tis below you to look after the Clerks for this Bill. If the Lords give you no anſwer for the loſs of this Bill, that is ſatisfactory; I would then ſend to them to know a Reaſon why the Bill was not tendered to His Majeſty with the other Bills.

Sir *R. H.* I would have you ſearch the Lords Journals, and if you find no account of the Bill there, then 'twill be time for us to go to the Lords to require ſatisfaction.

Sir *R. T.* I have not much to offer you, but I fully concur in the weight and conſequence of this matter, and you are to take all the care

you

you can to ſecure it for the future. Never any thing of this nature was done before, but the Bill for obſervation of the Lords day in the late long Parliament. 'Twas left upon the Table at a Conference, and ſtolen away. But 'tis not proper (I conceive) to take notice of this in a Meſſage to the Lords, becauſe the miſcarriage of this Bill was in another Parliament. The matter muſt go upon a deſire of a Conference with the Lords, concerning the Rights and Priviledges of both Houſes of Parliament; and then you may appoint a Commitee to inform you of the progreſs of this matter.

E. V. I think the paſſing over the inquiry after the loſs of the Bill of the Sabbath, in the late long Parliament, was the great occaſion of the loſs of this. Conſider how many interruptions Parliaments have had of late in the greateſt buſineſs, by Prorogations and Diſſolutions; and another way to gratifie your Enemies, is to ſtifle your Laws, when they have a mind the People ſhould have no benefit of them, though they have paſſed both Houſes. Therefore I move, *&c. ut ante.*

Sir *H. C.* I differ only as to the words. I agree to a Conference, but no more to be ſaid, than to know what's become of the Bill; for the Lords are the Depoſitors of all Bills but Money. Without any other words, I would ſend to the Lords for a Conference to know what's become of the Bill. I know but of three Negatives, but by this proceeding here is a fourth Negative, which may deſtroy the Government.

S T. 'Tis the beſt way in this matter to obobſerve old Methods; and the beſt Method to know

know the Lords minds, is by Conference. I remember in the late long Parliament, the Lords ſent to us for a Conference, and at it told, the Roof of our Houſe was falling on our heads; but they ſent us not a Meſſage of the danger we were in by the falling of the Roof, but deſired a Conference about a matter of great conſequence. Therefore I would now ſend to the Lords for a Conference of matters relating to the Nation.

R. H. I would ſay this, We deſire a Conference with the Lords concerning the Conſtitution of Parliaments in matters relating to paſſing of Bills. *Vide Printed Vote.*

Sir *T. L.* This is a thing of as high weight as we can confer upon. Therefore I would not do leſs than in a thing of leſſer moment. Let a Committee meet, and then agree of the ſubject-matter; till then you know not what to ſay at the Conference; and 'twill be *Monday* at the ſooneſt before you can do it. I ſhall offer another thing at the Conference; I would offer the Lords the conſequence of this way proceeding, and to deſire the Lords to put the thing into a way of Examination, that the Complices may be fit for puniſhment: And at the ſame Conference, would deſire a Committee of both Houſes to conſider where the Miſcarriage lay.

Danby's *Caſe Reported*, &c. *The account of* Fitzharris, *and the Libel read*, &c. Treby's *Examination*, &c.

Sir *J. H.* I humbly Move *Fitzharris*'s Examination may be printed, for the World to ſee the Deviliſh Conſpiracies of the *Papiſts*.

Sir

Sir *W. J.* I like the Motion for Printing; nothing is in this Paper but what's fit to be printed. It fully makes out those Informations you have had before. And because we all know that since my Lord *Stafford*'s Tryal people have been prevailed upon to believe the Plot not true, and this confirms *Oats* and *Bedloes* Informations, I would have them Printed, but not the Libellous Paper which reflects upon the King.

Sec. *J.* I will not trouble you but with that part I had in this affair. The Paper was read over to the King by Sir *Will. Waller*. Therefore according to the King's Command; I issued out a Warrant for apprehending *Fitzharris*, and Sir *W. Waller* was to take care of the execution of the Warrant.

Sir *F. W.* This is a matter of great Importance, and we ought to acquit our selves in it like wise men. We that come out of the Countrey hear, that that Treasonable Paper which has been read by Sir *W. Waller*, was to have been sent to many Gentlemen, they to have been seized thereupon, as Traytors in the Conspiracy; it may be this and was that new Plot. All we have is at the stake, therefore how long or short our sitting is like to be here (the Trooper *Harrison* said there would be other Guards at *Oxford*) let not our courage lessen. This being our case, let us go to the bottom of this business of *Fitzharris*. Therefore I Move, he may be sent for and Impeached. We know by experience, when once an Accusation is in Parliament on Record, and in the greatest Court of the Kingdom made known, Malefactors have not been cleared, and you have had

had Juſtice; therefore I would have care taken that this Man be Impeached of High Treaſon, and it may be he will relent and tell you all.

Sir *R. C.* When *Fitzharris*'s Examination was taken at *Newgate*, he asked whether he had ſaid enough to ſave his life. I told him, I thought he had not dealt ingenuouſly, unleſs he would tell what Counſel he had for Drawing and Modelling the Paper; and I bid him be ingenuous in the whole matter, and I would come and take his farther Examination. But the next day after he promiſed this, he was removed out of our reach into the *Tower*. *Impeachment Ordered*, vide *in the Print*.

'Twas moved that Secretary Jen. *ſhould carry up the Impeachment to the Lords.*

Sec. *J.* The ſending me, upon this Meſſage, *&c.* reflects upon the King my Maſter; and do what you will with me I will not go. *Many called, To the Bar, to the Bar.*

Sir *T. L.* I would not have ſaid one word, but that the very Being of Parliament is in the caſe. 'Tis to no end to ſit here any longer if this be ſuffered. There can be no ground, reaſon, or thought, to bring the King in queſtion, or reflection upon him in this Impeachment, or on the Secretary. But for him to ſay, do what you will with me, I will not go with the Impeachment, is what I never heard ſaid in Parliament before. Let the words fell from him be written down before he explain them, according to the Order of the Houſe.

Sir *G. H.* I never heard ſuch words before, that the whole Houſe of Commons ſhould reflect upon the King, and that he will not obey your

your Order; let the words be written down.

J. T. The Houſe will be contemptible to the extreameſt degree if this be ſuffered. Such a thing as never was in Parliament before, that the whole Houſe ſhould reflect on the King, and for him to ſay, do what you will, I will not go. Moves *ut ante.*

Sec. J. I ſaid no ſuch thing that the Houſe reflected on the King, but that I take it as a reflection upon the King my Maſter.

J. T. His words were, This had not been put upon me, but for the Character I bear.

At laſt the Secretary's words were thus ſtated, This Meſſage is put upon me for the Character I bear. I value not my Life nor Liberty, do what you will, I will not go.

Sec. *J.* I ſay this is put upon me, to my apprehenſion, for the Character I bear, and do what you will with me, I will not go.

Sir *W. J.* I am ſorry to ſee any Member behave himſelf at this rate. This Deportment confirms me in the opinion of the deſign of ſome men, to ſuppreſs the Honour of this Houſe. There has been a Book written, (which I hope in time will be inquired after) That the Houſe of Commons ſprang firſt out of Rebellion in *H.* 3. time. This goes on this day in the ſame method. Let a man be of what Quality he will, if he be too big to be your Member, he is not to be choſen. To ſcorn the Commands of the Houſe, and to be too big to be a Meſſenger of the Houſe of Commons! Secretaries are ſent of Meſſages every day, and is he too big a Meſſenger to accuſe a perſon of the Popiſh Plot? His words ſeem to import, as if the King

would not have the profecution of the Plot. If this be ſo, fit no longer here, but go home. His Character is great, and he may be privy to things hid from us, by this extraordinary carriage. Are we come to that paſs, to be dealt withal, as none of our Predeceſſors ever were? If my Brother or Son dealt with the Houſe thus, I would call him to account. For ought I ſee, he provokes the Houſe more by his Explanation, therefore pray go on.

Sec. *J.* I am as ready, and think my ſelf as much obliged to obey the Commands of the Houſe, as any man here. The Office I have excludes me not from it; but the thing I ſtand upon is, that the Motion was carried on in Ridicule. I have an Honour for this, and ever had for all Houſes of Commons; but in this Meſſage I muſt and will be excuſed.

Sir *H. C.* Ridicule is not a word proper for a Houſe of Commons; and what is appointed by this Houſe, is done with all gravity, eſpecially where the life of a man is concerned. We are in an unfortunate Age, now things come to more light than before, that it ſhould be ſaid that Impeachments ſtrike at the King, that the Dukes Bill, *&c.* is aimed at the King; I am ſorry to here it ſaid here, as well as in other places. This Employment he is put upon, is for the Kings Service, and he tells you it reflects upon the King. All is renverſed, if what the Commons do, muſt be as if it reflected upon the King. I have all imaginable reſpect to the King: but, Sir, we are in a Ship, and we have to do with the Maſter, and he with us. If this Gentleman would make any

ſort

ſort of excuſe, I would willingly accept it; but he has not taken off his Crime, but rather aggravated it. If he have nothing farther to ſay, he muſt withdraw, and then you'l have a Motion made for the Honour of the Houſe.

Sir *T. M.* I know no other difference in any perſon here; if the Secretary ſaid, I thought it reflected on the King, a man may be miſtaken in his thoughts; and in caſe it be ſo, he would ſuffer any thing under that reflection. He ſaid it was his thoughts, that the carrying the Meſſage was a reflection upon the King, and in that caſe would ſuffer any thing rather than a reflection upon the King and his Character.

Sir *J. E.* 'Tis an ill thing to ſtumble at the entrance; I hope the Secretary intended no diſ-ſervice to the Houſe, but on a miſtake: I did apprehend it, and ſome others, that it was in jeſt. But in jeſt or earneſt, one ought to obey the Commands of the Houſe; but every man cannot ſubdue his own Heart. But I would know upon farther conſideration, whether the Secretary will undertake this Service or no. I am the worſt Advocate in the World for any obſtinate perſon. But I humbly offer, whether the Gentleman will ſerve you or no before he withdraw.

Ernl. *removed from his place and whiſpered with the Secretary.*

Sec. *J.* Since the Houſe is ſo favourable as to hear me, I ſhall only ſay, that I did apprehend ſending me with the Meſſage to the Lords, was a reflection upon the King; if I did appre-

hend it a reflection upon my Master, I could not but resent it. I am heartily sorry I have incurred the displeasure of the House, and I hope they will pardon the freedom of the expression. I apprehended it a reflection upon the King, and no other consideration whatsoever induced me to say the words.

M. F. I look upon this has come from the Secretary, as so great a Reflection upon the House, that he ought to come to the Bar upon his knees, and ask pardon of the House.

H. B. We are all subject to Infirmities; seeing that the thing is so, the Secretary could not apprehend any reflection on the King by sending him with the Message, but he might apprehend it on himself; it was a little smilingly moved: but since he has explained himself, I would have this, *&c.* past by, as I would on the like occasion desire for my self.

Ld. C. The Gentlemans fault is a great one, but that after he has begg'd the pardon of the House, I am willing to pass it over. Though it be a great fault, yet 'tis too little to give occasion of a Breach at this time.

Sec. *J.* I am ready to obey the Order of the House, and I am sorry my words gave offence.

So he went on the Message.

Col. B. We ought all to give God thanks for this Discovery of *Fitzharris*, next to the first Discovery of the Plot. It is a great service to the Nation, and 'tis not the first that Sir *W. Waller* has done. If ever the thanks of the House was deserved, it is for this Discovery; and I move Sir *W. Waller* may have the thanks of the House. *Ordered*, vide *the Print*.

Saturday,

Saturday, *March* 26. 1681.

Order of the Day, vide *Print*.

Sir *R. C.* I Confeſs I have been full of expectation of ſome Expedient to ſecure the Life of the King, and the *Proteſtant* Religion, without the Bill for Excluding the Duke, *&c.* My expectation is from thoſe who oppoſed the Expedient of the Bill, (for I can call it no otherwiſe) I have in my weak judgment weighed all Expedients I have heard of, and they ſeem all to me to be a breach of the Conſtitution of the Government, and to throw us into diſorder and confuſion. I have heard that it has been an ancient uſage that Members have conſulted their Cities, Burroughs, and Counties in any thing of weight, as well as giving Money, before they reſolved it. The practice was good, and I wiſh it were continued; and we can diſcharge our Truſt no better, than in obſerving the direction of thoſe who ſent us hither. I received an Addreſs from the City of *London* (having the Honour to be one of their Repreſentatives) in the matter of this Bill of Excluding the Duke, *&c.* I heartily wiſh ſome Expedient may be found out to ſave our Religion without it. But I muſt purſue my Truſt, therefore I move a Bill may be brought in to Exclude all *Popiſh* Succeſſors, and in particular *James* Duke of *York*.

Ld. *R.* I have the ſame Obligation upon me as the worthy perſon that ſpoke laſt, from the County I have the honour to ſerve for. I have

been long of Opinion, that nothing but this Bill can ſecure us from *Popery*. In the long Parliament, 'twas ſaid, that the Duke was a *Papiſt*; and the danger of his Power will be more now, and every day informs us of the ſad conſequences of it. I ſhould be glad if any thing but this Bill could ſecure us. I know nothing elſe can, therefore I humbly Move for it, *&c.*

R. M. The ſecurity of the *Proteſtant* Religion, and the preſervation of the Kings Perſon, is of ſo great weight, that we ſhould not have ſtaid to this day to Exclude the Duke; but I am ſorry to hear that Language, that becauſe the King has ſaid in his Speech, he will ſtick to his former Reſolution in not altering the Succeſſion, *&c.* and propoſes a kind of Expedient, *&c.* but in this we are not uſed as an *Engliſh* Parliament, but a *French*, to be told what we are to do, and what not; 'tis the greateſt Arbitrary Power in *England* to cow a Parliament, which may be was in deſign to bring us hither; but be we called to *York*, or any part of *England*, I believe we ſhall be the ſame men we are here, and were at *Weſtminſter*. My Lord *Danby* Diſſolved the long Parliament, and ſaid, he had ſpoiled the old Rooks, and had took away their falſe Dice; and then ſtarted in the new Miniſters, and they ſhuffle and cut again, and Diſſolve Parliaments, till they can get one for their turn. I have heard much weight laid upon Diſinheriting the Duke; ſure no Father would ſcruple to Diſinherit a Son, or a Brother, nor turn away Servants that would ruine him. If Biſhops and Counſellors would ſpeak plain, they cannot anſwer deferring our ſecurity

ſo long. But neither the Miniſters of the Goſpel have endeavoured the preſervation of our Religion, nor the Miniſters of State the Government, both acting againſt Religion and Safety of the King's Perſon: And I have no expectation of our ſafety, but the Bill to exclude the Duke; and therefore I move for it, *&c.*

H. C. If this Debate muſt be proceeded in with the Regularity and Circumſpection it ought to be, you have tranſgreſſed the Order of the day already. Several Gentlemen tell us, that there is no Expedient, but none tell us what is. All men believe the Religion of the Duke is as fatal a thing to the Nation as can be, ſhould he come to be King; and what do they deſerve that perverted the Duke? But let us conſider what depends upon this Houſe, and let us proceed like men. If we are of opinion, that Excluſion of the Duke is the beſt way to preſerve Religion, this Houſe cannot do it alone; if we cannot have that beſt way, we are guilty to our Country, if we take none. If a man be ſick, and ſo ordered that nothing muſt be taken but by direction of three Phyſitians, and two are for giving him the Jeſuits Powder, and one againſt it, and he thinks he does the duty of his profeſſion; but they all three not agreeing it, muſt the Patient take nothing? And we are but one part of the Legiſlative power. But for Expedients, I remember in the *Dutch* War, the Houſe went into a grand Committe, to conſider Expedients for raiſing Money, to ſave Land-Tax. A man whoever he be, that propoſes an Expedient,

will desire leave to make good that Expedient, and must speak it may be often to it; but if it prove to be none, that man will be trampled upon. A Committee of the whole House will be most proper for this purpose. If there be a dispute which question shall take place, if the first be denyed, the other may take its place; but not one to exclude all the rest, as this Bill will do. Let it be Exclusion or Limitation, or what it will, your order is general, to find out means against Popery, and preservation of the Kings Life. When men press on so fast, they may come late into their Inn by tyring their Horses. Let a grand Committee try Expedients, else 'tis not *consultare* but *dicere*. I am of a contrary opinion of having this great matter Debated in the House, and for the reason I have told you; and if Gentlemen you will do reasonably, a grand Committee is your way to proceed in.

J. S. You have had Motions proposed for Expedients, but there is not a word of Expedients in the Order, and that answers it. (*The Order was read.*) Those who were here present when the Order was made, have left it free for a Bill, or any other thing; and therefore they are not tyed to have Bills, or offer Expedients against Bills. To the simile of the three Physicians, that two could do nothing without the third, though one was for one thing, and another for another; if the case be such, that the two in the judgment of the third, did offer nothing to the sick man but what was Mortal, he ventures upon his own Difreputation to joyn with them. However, the three Physitians

ans do not agree; we never yet saw any thing from the Lords in answer to this Bill; all Expedients have hitherto been to increase our fears of the King, and to hasten our undoing; and when all was at stake, to have Parliaments Dissolved, that was an ill Expedient. Those who were near the King, and altered their own judgments, and are come over to this Bill, *&c.* they are all put away, and those about the King now are for Expedients. The Council of the Jesuits, they have their end, by disappointing the Kingdom, and by raising the Fears of the People, either to take up with a false Security, as good as none, and so to impose Popery upon them that way; or to bring the Kingdom into disorder When Religion, and Laws, and all are at the dispose of a Popish Successor, the Kingdom will be in great disorder, that the Protestants will not be able to enjoy them quietly; the Papists have no surer way to effect their end. For the House to go into a Grand Committee, 'tis a Motion of great weight. If you deny it, it looks as if you would precipitate and deny free Debate: If you accept it, you will lie under the Inconveniency of Delay; and who knows how long we have to sit? If we were sure of our time, to sit two or three Months, I would be willing to go into a Grand Committee. But as to the ill umbrage of refusing a Committee, 'tis not like other Cases. I would have an Instance, if ever in a thing of this weight, the House went into a Grand Committee. This Matter of Excluding the Duke, has been depending two Parliaments, and any other way for our Se-

Security would have been accepted. Nothing elſe could be found out the laſt Parliament, the whole Kingdom was ſatisfied with nothing elſe. And now what reaſon is there to go into a Grand Committe, for a thing ſo often debated to the bottom? No man can deny, but a Grand Committee is proper, when ſomething of an Expedient is offer'd; but to offer it generally, is as if the thing was never conſulted nor debated before. I never ſaw any Expedient but this Bill, nor any Reaſon offer'd againſt the Bill, but ſet it aſide, and think of Expedients. Therefore pray proceed according to the Order.

L. G. If any Gentleman have Expedients, I deſire he would propoſe them; if they be of any weight, they will deſerve well of the Houſe; if it ſeems to them they will give us ſecurity, I would be glad to hear them.

Sir J. E. When the Motion was firſt made for going into a Grand Committee to hear Expedients, *&c.* I did then ſecond it, for this Reaſon; becauſe of the Honour of the Place I ſerve in. I did underſtand by the King's Speech, there was Expedients. I am unwilling to determine the ſenſe of any man, who am of the weakeſt: But a Motion was firſted and ſeconded for a Committee of the whole Houſe, and when this is done, I ſhall offer ſomething.

T. B. I muſt ſpeak again that Queſtion of a Grand Committee, pray keep to the Order of the Day. Expedients that have been moved for already, as the Jeſuits Powder for an Ague, *&c.* but our Diſeaſe is a Pluriſie, and we muſt let Blood. Let us go to what will do our Buſi-

Buſineſs, and it may be we muſt have other Expedients to fortifie the Bill. I would have the Houſe rightly underſtand, that thoſe who are againſt going into a Grand Committee, are for excluding the Duke from the Succeſſion; and thoſe who are for a Grand Committee, are for him to ſucceed; and put the Queſtion if you pleaſe.

Sir F. R. To exclude the Duke from the Succeſſion, *&c.* that is a good Expedient to prevent Popery; pray let that, or others that ſhall be preſented, be conſidered.

Sir T. M If there be but one Expedient offer'd, I do not think that Ground ſufficient to go into a Grand Committee to conſider it; but poſſibly there may be ſeveral. This Bill is agreed to be an Expedient; and I have known, that in a buſineſs of leſs weight than this, you have gone into a Committee, *&c.* If an Expedient muſt be offered in the Houſe, you cannot but allow Gentlemen to make Replies in a fair Debate, or anſwer Objections. And if you in the Houſe will depart from that Form, the Houſe or Committee are equal to me. But our Debate is broke; one Gentleman ſaid, he would be content with a Committee, if not intended for delay. I do not doubt but this day will have its full effect. When 'twas moved on *Thurſday* laſt, for this day to take into conſideration the Preſervation of Religion, without naming Bill or Expedients, it gave a great Credit to your Work. I would have no diſcouragements upon People that have Expedients, by not going into a Grand Committee.

R. H.

R. H. We are perplexed in having ſeveral Queſtions on foot. I ſhall put you in mind, that this Bill now propoſed, is no new nor ſtrange thing. Our buſineſs, I ſuppoſe, is to find out Expedients to preſerve the Proteſtant Religion, and the King's Perſon; here is a way has paſt two Parliaments already; a way no reaſonable Objection has ever been made againſt it; and a way rejected by the Lords in groſs, without offering any other. But I doubt, if other Expedients be tried, if they prove falſe, we ſhall endanger the Proteſtant Religion. Some have ſaid, that Gentlemen apprehend they have Expedients; why then may they not be propounded, that the Houſe may judge whether 'twill be worth going into a Grand Committee to conſider them? But if Gentlemen will have it their own way, or not at all, I'll tell you how this looks, as if they were ſomething one way, and nothing another: but he does not diſcharge his Duty to his Country, that does ſo; therefore if Gentlemen have any Expedients, pray let them offer them.

Sir J. E. If the Houſe be of a mind to enter into a Grand Committee, I ſhall offer my little Mite, as 'tis every Mans duty to offer Expedients that has any. I doubt not but other men have, and better than me; but if we go not into a Grand Committee, I ſhall offer what I have. I do apprehend by the Bill propoſed, that 'tis a Bar to the Succeſſion of the Duke, and places the Succeſſion in the next Heir. I ſhall propoſe, if you pleaſe, not the Name of King, but the Power, as a Regency, in the next Heir: tis no new thing in *Spain*

and *France*, and (God knows) we have ſeen it done in our Kingdom. If the Adminiſtration be placed ſafe in the Perſon, that may have no power to reſign to the Duke, and may have full Power and Authority at the Death of the King to call that Parliament which ſate laſt, who ſhall have time to ſit to confirm this by Act of Parliament. I hope this may be done, and may be done ſafely, if you can contrive ſuch a way.

Sir N. C. As I underſtand, 'tis propos'd, that the Government ſhall be in Regency during the Dukes Life. I would be ſatisfied, if the Duke will not ſubmit to that, whether thoſe that fight againſt it are not Traytors in Law.

Sir W. P. I think this you are upon a Matter of great weight; ſome Expedient has been offered you; I believe as yet but a crude one, and I cannot imagine will ever be an effectual one. He that moved it, tells you, he hopes, when drawn into better form, it may do what you deſire. It excludes the Duke, and in his place, the next in the Succeſſion ſhall have the Regency in him.——But our laſt Act left it in the Law. Conſider what is a Regency; I never heard of it, but of a Prince in poſſeſſion, in Minority, or Lunacy; and it has generally been very unfortunate. But to talk of a Regency *in futuro*, in condition and limitation of time, I never heard of. This Expedient does not anſwer the King's Speech, nor your former Bill; they make the King but a Shadow, and they divide Perſon from Power, our Law will not endure it. The Perſon divided from the Power, both will be courted;

and

and who that next Heir will be, we know not. The King leads you to conſider Expedients, but ſuch as will conſiſt with the ſafety and dignity of Monarchy. This muſt be two Kings at the ſame time, one by Law, and another by Right. *Portugal* gives us ſome inſtance of Regency, where the King was put into Priſon for Miſcarriages in the Government, and his next Heir made Regent; but there is a vaſt difference in theſe two Caſes. The King of *Portugal* was ſet aſide for perſonal Miſcarriages, not for being a Papiſt; and which is another thing, that was preſent, this is to come. If this Queſtion be to let the Duke in, and then make a Queſtion whether Allegiance be due to him; but I am afraid, that unleſs we be true to thoſe we repreſent, from whom by expreſs direction, moſt of us are to purſue the Bill, *&c.* we ſhall not be avowed in what we do. The Bill, *&c.* has been under conſideration of all the people of *England*, and perhaps all the Proteſtants of *Europe*; all the Wits of Learned Men have made their Objections againſt it, yet notwithſtanding all people are ſtill of the ſame mind.— And now we run upon the moſt miſ-ſhapen thing, which it may be two or three years before we underſtand it, and we may expect to have an operation of it, no body knows when. I ſee very little weight in it, unleſs improved by ſome other perſon, therefore I am for the Bill.

Sir. T. Litt. We are flying at a great matter. To fight againſt the D. if he ſhould be King— God forbid.— We have been told three or four times of Directions Gentlemen have had from

from their Principals, to be againſt all thoſe things of Expedients, and to inſiſt upon the Bill of Excluſion, *&c.* I would not have that way much cheriſhed, 'tis an uncertain thing; and no Footſteps remain of any Papers from their Country. I take the meaning of that going down, is to conſult their Neighbours for Direction what to do. I hear talk to day of Parliaments of *France*, but this way is as dangerous; like the States of *Holland* to conſule with their Principals before they reſolve, moſt unuſual and of very dangerous Conſequence. A Regency has been propoſed to ſecure the Adminiſtration of the Government in *Proteſtant* Hands, ſo as not to alter the Conſtitution of the Monarchy; and this alters the Conſtitution of the Monarchy the leaſt imaginable. A Regency in room of a King, and the Monarchy goes on. We have had Regent Protectors, call it what you pleaſe, *Primus Conſiliarius*, in caſe of a Minor Prince; but I propoſe not this. If you alter the Government, I am againſt it; but here is offer'd a Regent in place of the King, or tranſferring the Government. But it may be ſaid, Where ſhall the Duke be all this while? That Point I think is pretty well over, there is no deſign of Secluſion— The Lords would have baniſhed him 600. Miles from *England*.— The Duke has an Eſtate, and he, as all men beſides, loves it, and will not part with it, and will do nothing to forfeit it. But your Bill of Excluſion ſecludes the Duke, and the Crown then is to fall as it does fall. What is then the Caſe? You muſt imagine, either his own Daughter will take up Arms, if

the

the D. attempt the Crown, or ſome body elſe will, to keep him out; and that will raiſe ſuch an Anger in the Duke's mind, whither will they ſhelter themſelves? Not under his Daughter: they muſt naturally ſhelter themſelves and run into Arms. *Cromwel*'s way was to keep up an Army of Sixty Thouſand Men for his Security, eſpecially an Army fleſht with Victory— And they that have it will keep it. We are not in the condition we were formerly, when the Lords cheriſhed their Tenants by good Leaſes, they could raiſe an Army, and ſend them home to their Houſes when they had done what they were raiſed for: But we are now in another way; raiſe an Army, and they will think of their own Intereſt to be kept up. But if it fall out thus, your Bill leaves it very looſe.— As ſoon as this Bill is paſs'd, ſuppoſe the Regency eſtabliſhed in the Princeſs of *Orange*, or the Lady *Ann*, and in the ſame Law a Commiſſion be ſent over to take an Oath from her ſtrictly to execute this Law, you are then not left in that looſe manner you will be by the Bill, *&c.* 'Twill be a far leſs matter for her to ſave a Family, before Misfortune come upon it, than to take the Government upon her afterwards, in the trouble of an Oppoſition. But it may be ſaid, What needs all this, 'tis juſt nothing but retaining the name of K. in an exiled man?— But 'tis leſs violation in her to govern in her Father's Name, than to take the Kingdom from him. It may be wondred, why in *Portugal*, upon depoſing that King, there was a great Debate of the three Eſtates (though they hold not the proportion as

as they do here.) In this great Debate, the Commons were for *Don Pedro* to be King, the Nobility to have him Regent, the Eccleſiaſticks demurr'd; but at laſt both came over to the Nobility. But *Don Pedro* ſtuck here, and would ſtill leave his Brother the Title of King, and would leave nothing of ſhelter to force Nature too far. There are Reſerves in the King's Speech, I cannot but take notice of by the way. There is another thing to be conſidered. Some will be paying a deference to the Sacredneſs of a Crown, for Governments ſake. This Objection looks like ſomething, He is like to be five hundred Miles off, *&c.* and a Law to take up Arms againſt him.— How was that Law, that the King and Parliament have Power to diſpoſe of the Crown? It was then an Opinion amongſt Lawyers, that the Crown was unalienable; but when that Law was made, that Opinion was damn'd under a Penalty, though 'twas a ſtanding Maxim before that Statute was made. If ſo, this new Act will be a Warrant for what is propoſed, as that was for the other. For my part, I have had the ill Fortune to have the Wind in my Face, and to be againſt the general Opinion and Stream of the World; and having had for ſome time no ſhare in the Government, I may ſpeak poſſibly more freely than they that have. 'Tis a great Crime to ſpy things too ſoon, which makes men apt to run from one Extreme to another. I have propoſed the beſt Expedient I can, and moſt ſafe; but I am afraid, if you do nothing in this great Affair now it is ſtarted (I'll grapple with neither of the Expedients) but

if you do nothing but let the thing lie looſe, you'll gratifie the Jeſuits by our confuſion, and the Commonwealths-men to ſhuffle the Cards again: but if you go into ſome Medium, both theſe ſort of men will be undone.

Sir W. J. I have heard with great Attention this very learned and able Gentleman. I am really of Opinion, if any better Expedient could have been found out, than what has been propoſed, that he as ſoon as any Gentleman would have propoſed it. But I am amazed, that ſo learned a Gentleman ſhould not ſee through this Expedient. That which I take for the Expedient, is, the Duke to retain the name of King, and the next Heir to be under the title of Regent or Protector. What does he mean by next Heir? For any thing I know and believe, it is the Duke's Daughter; but it may be the Duke may have a Son. Either I have a great Cloud upon my Underſtanding, or this is ſtrange, that if the Duke have a Son, and ſhall he at a Day, a Month, or a year old be Regent? Suppoſe the Princeſs of *Orange* come over, and ſhe die, (the Prince of *Orange* has no Right to the Regency) and ſhe leave a Child, and that Child be Regent, that Child muſt have a Protector, and ſo there will be a Protector of a Protector. But, Sir, we are told, that nothing but to keep up the Greatneſs of the Government makes them go from the Bill of Excluſion to this Expedient. But is it ſo great and pleaſing a thing to wear a Crown, and be called King, and have no Authority? It is much worſe than to loſe an actual Crown and the Poſſeſſion of it. If the Bill paſs, and the Duke be baniſhed

niſhed 500 Miles off, it muſt be out of *England*— if the name will pleaſe him, in Civility beyond the Sea he ſhall be King, and it will be as much to his purpoſe beyond the Sea to be called King only, as here.— But for the Security of his Eſtate being here: He that would venture the loſs of a Kingdom for Religion, will his Eſtate too, that's but a weak tie. It is leſs injuſtice to take away the Crown and Power from him, than to have of both but the Name. If you allow the Duke the Name, it will imply a Right, therefore for that to be uſed as an Argument is ſtrange. But why is this Contention, and all this ado, I wonder, for an empty Name? But I am afraid this Expedient is a kind of Jeſuits Powder (I do not think the Gentleman's intent or opinion is for the Jeſuits) but a wiſe man may over-do ſometimes.— If you do not exclude the Duke's Title, the Duke is King ſtill, and then will Learned Lawyers tell you, that by 1 *H.* 7. all incapacity is taken away by the Poſſeſſion of the Crown. If you take not away the Diſcent of the Crown, and that the Duke has a Title to be King, then without doubt all incapacities fail,— but if the thing may be effectually done, I am as willing to exclude him the Name, as well as the Power; but Lawyers know no diſtinction— When the Lady comes to be Regent, not only Nature, but Conſcience will put her upon giving *Cæſar* his due; and perhaps that Text ſome of our Divines will preach upon. They'l ſay that the Parliament by what they have done, acknowledge a good Title in the Duke. But if he be King, as the Parliament

allows him to be in Name, he has right of Deſcent, and ſo will be reſtored to all the Rights of King. — An Argument upon Queen *Mary* like this, reſtored the Firſt-fruits and Tenths— Another thing perhaps may come from them that propoſed this Expedient, (I do not believe it came from that Gent, *&c.*) if you had paſs'd the other Bill, great many would not ſubmit to it; but if you paſs this, if the Duke have right to be King, and be kept from the Adminiſtration of it, I doubt whether I ſhall fight againſt him. And the Papiſts will ſay, you have got a Law to ſeparate that which is inſeparable. I would, if I were as the Duke, have this Bill to perplex my oppoſers, rather than a clear one. He has told you of an Army to maintain the Bill, *&c.*— which will not ſoon be laid down. But why an Army?— If there muſt be an Army for your Bill, there will be four Armies requiſite to maintain the Expedient.— A Protector has been propoſed, not like that of *E.* 6. who was little more than the now Lord Preſident of the Council.— But certainly they who propoſed the Expedient, would have by it the ſame Power of letting in the Duke, as of keeping him out. Therefore I move to lay aſide this Conſideration, and take up the Bill as has been moved for.

L. G. I think it is fit we ſhould preſent Reaſons to the King for paſſing this Bill of excluding the Duke, *&c.* I do think that the Adminiſtration of the Government has been in ſuch hands ſince the King came in, that tho' the Miniſters have been changed, yet the ſame Principles remain to this day, though ſome have

have been removed.— The breaking of the Tripple League, the taking of the *Dutch Smirna*-Fleet. The King of *France* makes War for his Glory, and we for nothing but to get Riches to make the King Absolute. Such a violation was done upon the Rights of the People as has been done.—*He was called down to Order*—

E. V. A Question so extreamly well spoken unto, to be interrupted with any angry Question, is not very decent at this time; what is spoken of, is matter to be enquired into another time, though the Gentleman does it with a worthy intent. If any Gentleman have any thing else to propose, pray hear him.

[*L. G. goes on.*] I intend to move you for Reasons to induce the King to pass this Bill. The strange and dishonourable Retrenchments made in the King's Family.—— He is surrounded by the Duke's Creatures.—— 'Tis not safe for the King to part with any one Minister, unless he part with all; and when these men have got a bank of Money for a Popish Successor, then will be the time to take away the King.

Sir F. W. This we are upon is a matter of great weight and difficulty. Let any man that can, maintain this Expedient, or give you a new one.

Sir T. M. I have heard with patience *this Expedient*, which has been well offered, and I believe mistaken by the Gentleman who answered it. I must say this, your Question and your business is *Religion*, and I have given as good proof of my Zeal for the *Protestant Religion* this twenty years as any man has; and

I have been for this Bill of excluding the Duke, *&c.* I am of opinion ſomething muſt be done to ſecure *Religion.* For the point of *Law* mentioned, if the Law be ſuch, *That Dominion muſt run with the Name of King*, that ſingle Reaſon is to carry the Debate. But if I anſwer not that, I am at an end. But ſure thoſe words that can diſinherit a King, may make this *Expedient* Law. I would not riſe now, if I thought the *Bill* to exclude the *Duke*, &c. could paſs; my grounds are but Conjectures. The laſt *Parliament* I did think this Bill would paſs with greaſing the Wheels. The condition of *England* is thus: we do need one another, both *King* and *People*, and we have need to make uſe of a *Parliament* to aſſiſt one another, to relieve us in the difficulties we are in. If the *Duke* ſhould be *King*, he will need a *Parliament*, and ſo will the People. In order to this, if another *Expedient* can be found out as like this, though not the ſame, which no Objection of Law could deſtroy, he would do the King and Kingdom great ſervice and advantage who would produce it. In this neceſſity we are like two great Armies encamped upon two Hills, and neither dare remove, not for want of Valour, but from their Reaſon: He that has the laſt Loaf ſtays longeſt, neceſſity compels the other to diſcamp. At laſt it muſt be one ſide or other, or elſe *England* will have the worſt of it. But if none will venture to clear the matter in point of Law, I am anſwered. If any could alter that *Bill*, that it ſhould not be the ſame we have had twice before, I ſhould like it. I like this *Expedient* offered you, for *'tis a Bill of Exclu-*

Exclusion, and so strong a one, that the *Duke* may chuse the first rather. I am for the Nail that will drive to do our business. If Gentlemen have other Thoughts, pray so contrive it, that we have one Bill or t'other.

W. H. All the *Expedients* I have heard yet, are like a *Cucumber*, when you have well dress'd it, *throw it away*. These Gentlemen tell you, they will bring in *a Bill of Excluding the Duke from the Regency*, &c. This Proposition is either honest or not; if it be honest and without Design, then all the Dispute betwixt the *King* and *Us*, will be, Whether the *Duke* shall have a Title to the Crown. But I hope the King will rather gratifie the Nation than the *Duke*. If this be not honest, and People about the King circumvent him, they will find means from day to day to divert him. Why was *England* so fond of *Calais*, but to have some Footstep into *France*? And so this Bill, let the Bill pass, and all those Gentlemen who have dependency upon the *Duke*, if he come to the Crown, will change matters.

Sir F. W. A worthy Member not being satisfied with Arguments of Law against the *Expedient*, that calls me up, as in my Profession. The Question about this *Bill of Exclusion*; that 'tis lawful in Conscience, no man will oppose: The great opposers of it in the *Lords House*, agreed it lawful when they threw it out.—— Not *Jure Divino* unlawful *concurrentibus iis qui concurrere debent*. Some Gentlemen told you, their *Country* gave them Instructions to press this *Bill of Exclusion*, &c. *Sir T. Litt.* said, it was dangerous to take Instructions

from the *Country*; but I ſay, 'tis much more to take it from *Court*. *Parliaments* formerly upon any extraordinory matter, ſtaid, and ſent their Members to conſult with thoſe who ſent them. I am not ſubjugated (when I am here) to what the Country does propoſe. I am as much againſt a *Republick* as he that fears it; but I am a Proteſtant. I ſay, I know Sir *T. Litt.* to be of that Experience and Reaſon, that if he go away ſatisfied in this matter, he will do all the good he can in the Poſt he is in. But to keep cloſe to this Queſtion; it being allowed by Law, *That an Excluſion of the D. from the Crown may be*; the next thing is to conſider the *Expedient of the Regency* propoſed. The ſame Authority that can make a Deſcent of the Crown, may modifie it. He argued to ſhew that the *Regency* would make the *Duke* inſignificant in the Adminiſtration of the Government. Now the Queſtion is, which is the moſt practicable. We Lawyers are apteſt to go on the ſtrongeſt ſide, and to call every thing Prerogative. I'le put you a caſe, in King *James's* time the *Sheriff of*— there was an exception in his Commiſſion, that he ſhould not keep the *County-Court of*— but ſhould have all other Exerciſes of his Office. But the Judges reſolved he was *Sheriff* to all intents and purpoſes, and that he could not be hindred keeping the *County-Court*. An Act of Parliament againſt common ſenſe is void. To make a man *King*, and not ſuffer him to exerciſe *Kingly Power*, is a Contradiction. Some clauſes formerly in *Acts of Parliament*, were flattering clauſes to ſatisfie the people, and not

let

let them have the thing. Should this of the *Expedient* be an *Act*, 'tis nonſenſe, and may be ſaid hereafter, the Houſe of Commons were outwitted. I owe the *Duke* obedience if he be King: but if he be King, and have no power to govern, he is the *King* and no *King*. I have urged this to ſhew, that this is no *Expedient*, it blears only peoples Eyes, and is no ſolid ſecurity. To ſay the *Duke* values his Eſtate, which he may forfeit, *&c.* He loves a Crown too very well, therefore you are not to arm your ſelf in point of Conſcience, but in point of Reaſon. The laſt *Parliament* I did ſee, by the management of the *Papiſts* and the *Miniſters*, that without *this Bill of Excluſion*, our ruine is irreſiſtible. If the *Duke* come to the *Crown*; he brings with his Religion *Merum Imperium*, and that made me fond of the Bill; but if by Law the *Duke* never was *King*, there is no Caſe of Conſcience lies upon us in his *Excluſion*. I will only make this Obſervation of the *King's Speech*, in relation to this Queſtion— *And if it be practicable, the ridding of our ſelves quite of that Party*, &c. *and not to lay ſo much weight upon one Expedient, as to determine all others are ineffectual.* Vide *Speech*. The two main points (it ſeems) the *King* doubts himſelf, and all this delivered by the *King* in great Wiſdom, is clipt off to *this Expedient of the Regency*. You ſee now we come to *Expedients*; the Miniſters have had *two Parliaments* to conſider it, and now we are come to this *Expedient of the Regency*. I find no ſecurity in *Law* by this *Expedient*; you take away nothing by this *Expedient*, and therefore

I hope the *Bill of Exclusion* will pass. I hope that Reason, and not great Offices, will take men off from their *Nemine contradicente*. I speak this as if I were a dying man, and humbly move for the *Bill*, &c.

H. B. I have it in command from my Country, *That they apprehend no Expedient to secure us from Popery*, but that the Remedy will be worse than the Disease, *unless this Bill*. I have heard as yet no Reason given against it. But there is an *aliquid latet*. If the D. be not set aside, I am sure the Government will be; and therefore I am for *the Bill of Exclusion*, &c.

Sir *T. M.* I know not how far Sir *Fr. W*'s. Argument may be prest, what *Bill* soever we may have. Pray let us have the *Law* on our sides, that if the *K.* should dye, we may know whither we are to go. I think the *K's Speech* is penned as it ought to be penned; and should a *K.* speak positively to what *Laws* He would have, we are an *Irish* Parliament, and not an *English*; but the *K's* words are tender words. The thing lies fairly before you, if any *Expedient* can be thought of, not to destroy the *Monarchy*; and if the next presented be not the best, not to refuse the next.

E. V. You have had an *Expedient* offered you of a *Regency*, &c. instead of *the Bill of Exclusion*, &c. Pray consider what this *Regency* is. 'Tis the whole Office of a *King*, to appoint *Judges*, call *Parliaments*, &c. This Power they would take away from the *Duke*. But if by Law they will reserve the name of *King* to the *Duke*, 'tis to bring a War upon us, and to bring the *Duke* in by force. This *Regency* must be

be ſupported by War, as well as *the Bill of Excluſion*. By the 13 *Eliz.* the *Crown* is not alienable by the *K.* but may be alienated by *King, Lords, and Commons*. And when that Statute was made, no *Succeſſor* was named, to keep King *James* in awe; which I conceive was the Reaſon why none was named in the laſt *Bill of Excluſion*. Though we have been frighted out from that *Bill* by *Prorogations* and *Diſſolutions*, yet 'twill not frighten them whoſe Reaſons go along with it. And I am for that *Bill*, becauſe all men are for it, and have ſent up the *ſame Parliament* again that paſt it. But if you lead people into uncertainties in the Government (as this Project of *Regency* undoubtedly will do) the *Court* and the *Country* will be of a mind to lay aſide *Parliaments*, becauſe they are uſeleſs.

Sir *H. C.* Peoples eyes are now enlightned, and all the World over they are an informed people. The *Papiſts* care not who is *K.* if he be *a Papiſt*. *And ſo he proceeded much to the ſame purpoſe in ſeveral Speeches in the laſt Parliament.*

Col. *G. L.* I would not have ſpoke ſo much out of Duty to my Maſter, but for the Duty I owe to my Country. I owe a new Obligation to the *K.* for I am the *D's* Servant from the *K.* My Father was a Servant to the *late K.* and *this*; and I have my Protection under Him. I was bred in *England*, and for his Service at Sea. I know my own weakneſs, not being bred to the Law; but by enquiry I find, that the Doctrine of diſpoſing a Kingdom from the Right Heir is Damnable: and 'tis the Doctrine of the Church of *Rome*. I have heard that in the 24 *E.* 3. the *K.* demanded Advice of the *Parliament*, in matters

ters relating to the Crown. The Answer was by the whole *Parliament*, *They could not advise in any thing relating to the Crown, nor of Disinheriting Him to whom they were sworn.* The Fundamental and Common Law of *England* has made the *Duke* Heir to the Crown, if the *K.* have no Sons. The Title of *Hen.* 4. was confirmed by *Parliament*, but he laid his Claim of Descent from *H.* 3. and it continued in that Descent till *H.* 6. and then the *Parliament* declared that those *Acts* were not binding, but unjust; and declared the Oaths of Allegiance to those Kings infamous and wicked; and so the Right Heir came in. *H.* 8. had Power to dispose of the *Crown*, by his last Will and Testament, to place and displace the *Crown* at his pleasure, yet all his right Heirs came to the *Crown*, though *Jane Gray* claimed it by vertue of that Will, and baited her Title with Religion. Queen *Elizabeth* made a Law, *That whoever did maintain, That the Crown could not be disposed of by Parliament, should be Guilty of Treason*, &c. *and for ever after of Præmunire.* But since that, there is a Restitution of King *James*, which acknowledged him lawfully, rightly, and justly the next Heir to the *Crown*, and did beseech the *K.* to accept of their Allegiance to him and his Posterity. And I think our Ancestors swore to the *K.* and his Posterity, as well as we. 'Tis a great Happiness to this Nation that both the Lines are united, and that we are rid of the Misfortunes of the *Barons Wars.* We have had Attempts to turn the *Government* into a *Republique.* And who knows but that if you put by the Right of the *D.* the Revenue of the Crown being

being much upon the People, but that there may be Attempts to turn the *Government* into a *Republick* again? When my Father was in Prison in the late Troubles, an eminent man then in Power, in Discourse with him, said, *I have obliged you, and if the K. come in, as I believe he will, then think of me; Look to your selves when you are in the Saddle again: If once you divide, adieu to Monarchy for ever.* If you keep out the *D.* what must follow? *An Act of Association*; I speak now for *England*, and for my Posterity (I have seven Children.) How will this look? The Kings *Father* Murder'd, and his *Brother* taken from Him; Will this take no effect with the *King*? I wish the *Duke* many happy days, but the *King* more from my heart than the *Duke*. The *King* is a healthful Man, and the *Duke* is not. I am not barely the *Duke*'s Servant, which makes me concern my self, nor out of pique of Honour would I do any thing to destroy my Posterity. Therefore I am against the *Bill*, &c.

Sir *W. C.* That which calls me up, is to answer something that was said by the worthy Member that spoke last; I am for the *Bill of Exclusion*, (and was so the last *Parliament*;) because I am clearly satisfied there can be no Security without it: But I must so far agree with him, that this *Bill* (if it should pass) will not be a full and compleat Security. But— *Here being an Interruption by a noise in the House, this Gentleman proceeded no further.*

Col. B. This is the day of *England*'s distress, and not only *England*, but upon this days Debate depends the good Fate of the *Protestant Religion*

Religion all the World over. Except you expect a Miracle from Heaven, nothing elſe can ſave the *Proteſtant Religion*, but this *Bill of Excluſion*. I think I have ſaid this many years ago, *That Popiſh Matches would bring in Popery at laſt*. As to the point of Law (ſpoken of) that 'twill be interpreted according to the ſtrength of the Party —— But I doubt not, if we do our endeavours, God will help us, if we have nothing left us but Prayers and Tears. We are in condition of Conqueſt or Compact, and ſo is all Government. Intereſt muſt defend this *Bill*, and not an Army; we are the Army. I have a Family as well as others, and where Idolatry muſt be ſet up; and rather than my Children ſhould breathe in ſuch an Air, I had rather they were buried, and had all the miſchiefs in the World. Col. *L.* ingenuouſly offer'd ſome things; but without this *Bill* you may ſit down, take a *Popiſh Succeſſor*, and renounce the *Proteſtant Religion*. I would break this *Popiſh* Intereſt, and then Intereſt will maintain this *Bill*. If once this *Bill* paſs, and as in Queen *Elizabeth's* time Proteſtants are put in places of Truſt, you need not fear the diſturbance ſpoken of. Where ten were of this mind, an hundred are now that will bleed for this *Bill*. In plain *Engliſh*, let the World ſee that the *Proteſtant Religion* is dear to us, and we ſhall have the *Law* on our ſides.

Sir *T. Litt.* I was miſtaken by ſome Gentlemen in what I ſaid: I ſhall be very ſhort and tender of the time, becauſe 'tis late. That of the Lady *Mary's Regency* obviated an abſurdity in the former *Bill*. If the *Duke* ſhould have a Son,

Son, where are you then? The Lady cannot deſcend from the Throne, having poſſeſs'd it. But my meaning was, that the two *Princeſſes* reſpectively ſhould Succeed in the *Regency* during the Minority of that Son. *The Bill of Excluſion* is ſo weak a thing, that 'twill need all the Props to ſupport it. And a train of conſequences will follow it. What is told you of *Scotland*, is worth your conſiedring; if *Scotland* be not conſenting to it, I know not how you'll obviate that. It unites the *Papiſts* of *England* and *France*, which we ought above all things to prevent.

H. B. He may be convinced by his own Argument. For by ſo much the eaſier 'tis for the *Princeſs of Orange* to deſcend from her Authority of *Regent*, ſo much the leſs is our Security. And for *Scotland*, the ſame Intereſt that paſſes this *Bill* here, will do it in *Scotland*, and in *Ireland* there is no need of it. By this Propoſition of the *Regency*, all Commiſſions Military by Sea and Land, Church and Law, are to go on in the *Duke*'s Name. And if all Diſpatches under the Great Seal muſt go under his Name, we can have no Security. The Oaths of Allegiance and Supremacy can be taken to none but Him; and if that be granted, *That 'tis unlawful to take up Arms againſt the K. or thoſe Commiſſionated by him*—— If that be not a true Propoſition, I know not why that Declaration was made: It lies looſe to me, I muſt confeſs this *Expedient* ſeems to me, as if a man that ſcorched his ſhins at the Fire, inſtead of removing himſelf farther off, ſhould ſend for a Maſon to remove the Chimney back. I have heard from

Lawyers

Lawyers, That if a man do make a Free-hold Leaſe, to begin from the date thereof, 'tis void. It would be more ingenuous for the Gentlemen to ſay, If you do paſs the *Bill to exclude the Duke*, they will not be bound by it, they will have the *D.* to ſucceed; and then I wiſh they would tell us what will ſave the *Proteſtant Religion*. If the *Duke* come to the *Crown*, will Gentlemen chuſe either to be *Papiſts*, or *burnt*, or *hang'd*? I have no diſreſpect to the *Duke*, if this Propoſal could keep out *Popery*: But if I am to leap over a River, I had rather have no Staff, than a broken one. This can be no Security. If you leave it in the Power of the Council to make War and Peace, and diſpoſe of Money, pray then where is the Government? Either they will be faithful, and keep the *Law of Regency*; or the *King* muſt be *King* but in name, and they the Soul of the Government. I have heard the *Expedients* with patience, and have not been over-haſty to put the *Queſtion*. But, I ſee no Remedy to ſave *Religion*, unleſs *excluding the Duke*: Therefore pray put the *Queſtion* for the Bill, *&c.*

The Queſtion was ſtated.

R. H. You have been moved to add to the *Duke's Excluſion*, all other *Popiſh Succeſſors*. This is a *Bill* on purpoſe to *exclude the Duke only*. You may *exclude* all other *Papiſts* from *ſucceeding*, *&c.* in another *Bill* by it ſelf. But I obſerve, that the way to loſe a *Bill*, is to clog it.

H. C. I ſhall only obſerve, that by the laſt *Bill* of *Excluſion*, if the *Duke* ſhould turn *Proteſtant*, he will be *excluded*; and if the Princeſs of *Orange* turn *Papiſt*, ſhe is not *excluded*. Vid. *the Vote for the Bill in Print.*

In

In the Afternoon.

An Account given of the Lords throwing out the Impeachment *of* Fitzharris.

Sir T. L. I See by the Lords refuſing this Impeachment, no farther uſe of a *Parliament*. They will be a Court, or not a Court, to ſerve a preſent purpoſe.——

Sir W. J. In a Matter ſo plain, and which concerns the very Being of *Parliaments*, I am unwilling to make unneceſſary doubts. If an Action be brought in the lower Courts, it does not hinder that Action being brought in *Weſtminſter-hall*, if no Judgment upon it; and it holds the like in this Caſe. *Indictments* were brought againſt the *Lords* in the *Tower* at *Common-Law*, and yet was no impediment to their *Impeachment* in the *Lords Houſe*; but here is no *Indictment* or *Proſecution* brought againſt *Fitzharris*. We have an Inſtance freſh in memory: The Lord Chief-Juſtice *Scroggs*, a Commoner, and not Indicted at *Common-Law*, yet the *Lords* without any ſcruple accepted his *Impeachment*, ſo that we need not ſpend our time to ſearch Preſidents. Perhaps the *Lords Journals* were not made up, but *our Members* have taken Notes out of the *Minute-Book*—by them we find the *Lords* have determined a great Point. The *Lords Spiritual* as well as the *Lords Temporal* have voted it, which we own not in this Judicature, nor I hope never ſhall; and we are denied Juſtice by the *Lords Spiritual*, who have no Right to vote. This is doing a double Act

of Injuſtice. And ſince the *Lords* have taken upon them to throw out the *Impeachment* of *Fitzharris*, let us vote, *That the Commons have a Right to Impeach in Capital Caſes; and that the Lords have denied us Juſtice, in refuſing the Impeachment.* And after you have aſſerted your *Privileges*, then draw up Reaſons for maintaining them. And if the *Diſſolution* of the *Parliament* follows, it's the fault of thoſe Men who will not hear our Reaſons, and in a Parliamentary way at a Conference ſhew how unwarrantable the Lords Actions have been in their way of proceeding.

Sir F. W. If this *Impeachment* of *Fitzharris* was of ſo ordinary a nature as a *Monopoly, &c.* I ſhould not preſs upon this matter: But this is not an ordinary Accuſation, but that which relates to our *Religion* and *Property*; and how the *Biſhops* come to ſtifle this, let God and the World judge. I would know, if a man be impeached by the *Commons*, and no *Indictment* againſt him, (only the *Attorney General* told the *Lords*, that the *King* gave Directions he ſhould be proſecuted, and no Record againſt him) whether this is a Ground to deny our *Impeachment*? If the *Lords* will vote that the *Commons* ſhall not impeach him, they may as well vote they ſhall not be Proſecutors; but yet we will be ſo. This is a *New Plot* againſt the *Proteſtants*, of which *Fitzharris* is accuſed, and we muſt not *impeach* him; in this the *Lords* fairly ſay, *We muſt not hear it.* If this be the Caſe, I deſire you'll come to ſome Vote. You are willing to diſcover the *Plot* if you could. If the *Attorney-General* had prepared a *Proſecution*

in

in an *Inferiour Court*, and they had proceeded to Judgment, then it is pleaded in Bar to the Judgment of a *Superiour Court*. If our Time be ſhort, (as I believe it is) pray do not delay to come to ſome Reſolution; if the Houſe be ſatisfied in it, pray make a Vote to aſſert your Right. A little while ago, when the Duke was preſented for a *Papiſt*, the *Grand-Jury* you know was diſmiſs'd by Chief-Juſtice, *&c.* This ſeems as if the Lords were bound in Honour to juſtifie the Judges Proceedings by their own. 'Tis a reflection of weakneſs in a man, who doubts in a plain matter, and if no man doubts our Right, pray vote it ſo.

Sir R. H. I am glad we are off from the great thing yeſterday, I cannot believe but that the *Lords* have Judgment enough to have cauſe for what they do, and in this Cauſe of *Fitzharris*'s Impeachment. In this matter, Preſidents you need not ſearch. This of *Fitzharris* ſeems to me to be a more dangerous breath than uſual, a breath fit to be ſtifled; there is ſomething in this more than ordinary. If there be ſo ſacred a reſpect to the common Trials of *England* in *Inferiour Courts*, 'tis ſtrange that the *Houſe of Commons* ſhould be below a common Jury. If in the Caſe of *Skinner*, and the Fact done beyond the Sea, the *Lords* contended with the *Commons* about judging it, though it was an Original Cauſe, this was no great value of the Law of *England*. But it ſeems they value *Fitzharris*, to keep him from us. When I have heard in all the Speeches to day, that the *Duke* does not go ſingle,—and have heard ſo excellent Diſcourſes to day

of that matter, I am loth to mingle my weakneſs,—— But ſuch Counſel as this, the King hereafter will have no cauſe to thank them, for involving him in the fatality of thoſe Counſels; as if they would make the Libel of *Fitzharris* the Copy of their Counſels. *Dangerfield* was reputed a moſt infamous Perſon; yet if he would ſpeak what he knew, nothing of mercy was too big for him: But *Fitzharris* is a Man of no Infamy, and yet they hurry him away to the *Tower*, when he began to confeſs in *Newgate*. Are you ſo loſt, that you have no mercy left for the *Proteſtant Religion*? This is ſtrange, if the terror of his Condition make him confeſs the whole *Plot*, and he be taken out of our Hands. We hear of other things, as that the *French Ambaſſador* had a hand in this *Plot*, which a *Jury* will not inquire into; their Buſineſs is only, whether *Fitzharris* be guilty or not guilty of the *Indictment*. I muſt confeſs, that with the carriage of this, I have enlarged my ſuſpicion, for I cannot but ſuſpect unuſual ways. The worſt of Mankind, with all his Villanies about him, has been pardoned. ——Is there in this any provocation given by us? But ſomething depends upon this Man, as well as upon the Bill to day. When you was told by *Secretary J. He would not carry the Impeachment, &c.* and the Houſe would make no Breach, by taking any ſevere Courſe againſt him, but paſt it over with temper—— ſure we muſt not lay down all Proſecution of the *Plot*, and ſay, that the *Proteſtant Religion* ſhall have no mercy. *Fitzharris* may merit mercy by Confeſſion; and if his Breath be ſtopt by the *Lords*, I

am ſorry that people will ſay, *If it were not for the Lords*, Fitzharris *might have diſcovered all the Conſpiracy, and the Proteſtant Religion might have been ſaved.* I Move therefore, that in your Vote you will not only ſay, *That denying this Impeachment*, &c. *tends to the ſubverting the Conſtitution of Parliament, but of the Proteſtant Religion alſo.* And I hope we ſhall proceed in this with the ſame calmneſs of mind that every man does wiſh, who would not loſe his Religion.

Serj. *M.* A *Plot* we all know has been on foot in *England*, and I am ſure in *Ireland* too, and what Arts and Crafts have been uſed to hide the Plot? It began with Murder and Perjury, and falſe Subornation, and this of *Fitzharris* is a ſecond part of that. We have ſent up an *Impeachment againſt* Fitzharris, and the Lords deny to receive it. In effect they make us no Parliament if we are the Proſecutors, and they will not hear our Accuſation; 'tis ſtrange, when their own Lives as well as ours are concerned in the *Plot*. The ſame day we Impeach *Fitzharris*, the Lords Vote, *we ſhall not proſecute him.* —— Now when all is at ſtake, we muſt not proſecute. If this be ſo, *Holland* and *Flanders* muſt ſubmit to the *French*, and they run over all. This is is a ſtrange Breach of Priviledge, and tends to the Danger of the *King*'s Perſon, and Deſtruction of the *Proteſtant Religion.*

Sir *T. P.* This of *Fitzharris* is a conſiderable Confirmation of the former *Plot*; I call it the *Old Plot*, but 'tis ſtill new upon us. This is a confirmation of the Deſign to *Murder the King*, and the *Duke* conſenting to deſtroy his own

Brother and our *King*. I have often heard it whiſper'd, that this Plot was *Madams* Deſign at *Dover*. 'Tis plain that Juſtice *Godfrey* was Murdered, and that the Army at *Blackheath* was to deſtroy the Proteſtants in *Holland*, and to awe the City of *London*. When *Fitzharris* was in an Inclination to diſcover what he knew, and two or three Honourable *Members* went to Examine him, this man was fetch'd the next day to *Whitehall*, and ſent to the *Tower*, and ſo we were deprived of all farther hopes of Diſcovery. We have received the *Information* he gave, and now that the *Man* may be in no capacity to diſcover farther, they ſtop his Mouth. I Move therefore, that you will Declare, *That if any Judge, Juſtice, or Jury proceed upon him, and be found Guilty, that you will declare them Guilty of his Murder, and Betrayers of the Rights of the Commons of* England. [Vid. *the Printed Votes.*]

Sir *W. J.* Now the *Houſe* has done as much as is fit for the Lords, but we do not know how *Inferiour Courts* will proceed; therefore I'le propoſe a Vote, *That if any Inferiour Court ſhall proceed*, &c. [which paſt, Vid. *the Print.*] I would not give occaſion to people to ſay, we do things in an extraordinary manner. 'Tis late, and pray let's Adjourn.

Monday,

Monday, *March* 28. 1681.

The Bill for Excluding the Duke,&c. read.

Sec. *J.* NO *Bill* was ever offered in *Parliament* of the like nature, ſo much againſt the Juſtice of the Nation; it condemns a Man never heard, and then 'tis a Law made *ex poſt facto.*—— Very extraordinary— againſt the Fundamental Juſtice of the Nation; and not only that, but againſt the wiſdom of the Nation, and will introduce a change of the Government. If the Duke will try to cut this Law with his Sword, if he overcome, he will have the ſame power to ſet aſide all Laws, both for *Religion* & *Property*: the power will be in the hands of the Conqueror, and certainly he will change the Government. 'Tis againſt the *Religion* of the *Nation*, which teaches us to pay Obedience to our Governours, whether good or bad, never ſo faulty or criminal. In Primitive Chriſtianity, Obedience was paid to Heathen Princes, *in licitis & honeſtis*; and we are not to do evil that good may come of it, nor on the proſpect of any good. I ſhall ſay one word more, 'tis againſt the Oaths of the Nation, of Allegiance and Supremacy. The *Duke* is the *King*'s Lawful Heir, if he have no Son, and in the Eye of the Law I am ſworn to him, and every Oath is in the ſenſe of the Law-giver. If this Diſinheriſon paſs now into a new Law, who diſpenſes me from that Oath to the King? Poſſibly I am too tedious, and not willingly

willingly heard.—— If the *Bill* be againſt the *Religion* of the Nation, being obliged by Oaths, againſt the *Government* and the *wiſdom* of the *Nation*, I hope you will throw it out.

T. B. Sec. *J.* has moved to throw out the *Bill*, and deſired to be heard patiently; I find no body ſecond him, pray let him go on and ſecond himſelf. *Ordered a ſecond Reading.*

Sir *W. J.* Becauſe there has been much diſcourſe in the Town of the Votes that paſt on Saturday, upon the *Lords Spiritual and Temporal rejecting the Impeachment*, &c. though I believe what is done will be made good, yet I would for the preſent, give the Nation all the ſatisfaction we can, that we are in the right. Amongſt our misfortunes in being called to this place, we are far remote from *Records* and *Books*; but yet I think it may be eaſie to prepare our ſelves to maintain what we have done. According to the little light I have, I find it the undoubted Right of the *Commons*, not only to bring *Impeachments* againſt Lords, but againſt Commons too. *Magna Charta* does not only ſay, *Per judicium Parium*, &c. but *per Legem Terræ*, &c. Tryal by Parliament is *Lex Terræ*. I have heard of a Record, 4 *E.* 3. where when the Earl of *March*——

The Black Rod came to command their Attendance in the Houſe of Lords, whither they immediately went, and the Lord Chancellor by Command of the King Diſſolved the Parliament.

FINIS.

THE OXFORD LIST

OF THE

Names of the *KNIGHTS, CITIZENS, BURGESSES* and *BARONS* of the Cinque-Ports, that were RETURNED to ſerve in the Parliament Aſſembled at *Oxford* the Twenty firſt of *March*, 16^{80}_{81}

Note that thoſe that have this Mark [*] *were not Members of the Laſt Parliament.*

Bedfordſhire. 4.

William Lord *Ruſſel*.
Sir *Humpry Monoux* Bar.
Town of *Bedford*.
Pawlet St. John Eſq;
Sir *William Franklin* Knight.

Berks, 9.

William Barker Esq;
Richard Southbey Esq;
Borough of *New-Windsor.*
Samuel Starkey Esq;
Richard Winwood Esq;
Borough of *Reading.*
John Blagrave Esq;
Nathan Knight Esq;
Borough of *Wallingford.*
Scory Barker Esq;
* *Tavernor Harris* Esq;
Borough of *Abingdon.*
Sir *John Stonehouse* Baronet.

Bucks, 14.

Thomas Wharton Esq;
Richard Hampden Esq;
Town of *Buckingham,*
Sir *Richard Temple* Knight of the *Bath,* and Baronet.
* Sir *Ralph Verney* Knight and Bar.
Borough of *Chipping-Wiccomb.*
Sir *John Borlase* Baronet.
Thomas Lewis Esq;
Borough of *Aylisbury.*
Sir *Thomas Lee* Baronet
Sir *Richard Ingoldsby* Kt. of the *Bath.*
Borough of *Agmondesham.*
Sir *William Drake* Knight.
* *William Cheney* Esq;
Borough of *Weddover*
John Hampden Esq; *Edward*

Edward Blacknall Esq;

Borough of *Great-Marlow.*

John Borlace Esq;

* *Thomas Hobby* Esq;

Cambridge, 6.

Sir *Levinus Benet* Baronet.

Sir *Robert Cotton* Knight.

University of *Cambridge.*

Sir *Thomas Exon* Knight.

* *Robert Bradey* Doctor of Physick.

Town of *Cambridge.*

William Lord *Allington.*

Sir *Thomas Chicheley* Knight.

Chester, 4.

Henry Booth Esq;

Sir *Robert Cotton* Knight and Barronet.

City of *Chester.*

William Williams Esq; Speaker.

Roger Whitley Esq;

Cornwall, 44.

Francis Robarts Esq;

Sir *Richard Edgcumb* Kt. of *Bath*

Borough of *Dunheved,*

alias *Launceston.*

Sir *Hugh Piper* Knight.

William Harbord Esq;

Borough of *Leskard.*
Sir *Jonathan Trelawney* Baronet.
John Buller Esq;
Borough of *Lestwithiel.*
Sir *John Carew* Baronet.
Walter Kendall Esq;
Borough of *Truro.*
Edward Boscawen Esq;
* *Henry Ashhurst* Esq;
Borough of *Bodmin.*
Hender Roberts Esq;
Nicholas Glynn Esq;
Borough of *Helston*
* *Charles Godolphin* Esq;
Sidney Godolphin Esq;
Borough of *Saltash.*
Bernard Greenvil Esq;
Sir *John Davie* Baronet.
Borough of *Camelford.*
Robert Russel Esq;
Sir *James Smith* Knight.
Borough of *Port-Pigham* alias *Westlow.*
John Trelawney of *Westminst.* Esq;
* *Jonath. Trelawney* of *Coldrunoch.*
Borough of *Crampound.*
John Tanner Esq;
Nicholas Herle Esq;
Borough of *Eastlow.*
Sir *Johnathan Trelawney* Baronet.
* *John Kendal* Esq;
Borough of *Penryn.*
Sir *Nicholas Slanning* Kt. of the *Bath,* and Baronet,

Charles

Charles Smith Eſq;
Borough of *Tregony.*
Hugh Boſcawen Eſq;
Charles Trevannian Eſq;
Borough of *Boſſiney.*
Charles Bodvile Roberts Eſq;
* Sir *Peter Colliton* Baronet.
Borough of *St. Ives.*
Edward Noſeworthy Junior Eſq;
* *James Praed* Junior Eſq;
Borough of *Fowey.*
Jonathan Raſhley Eſq;
John Trefry Eſq;
Borough of *St. Germans.*
Daniel Elliot Eſq;
Richard Elliot Eſq.
Borough of *St. Michael.*
* Sir *William Ruſſel* Knight.
* *Henry Vincent* Eſq;
Borough of *Newport.*
* *William Morris* Eſq;
Ambroſe Manaton Eſq;
Borough of *St. Mawes.*
Sir *Joſeph Tredenham* Knight.
Henry Seymour Junior Eſq;
Borough of *Killington.*
William Coriton Eſq;
Richard Carew Eſq.

Cumberland, 6.

* Sir *George Fletcher* Baronet.
Sir *John Lowther* Baronet.

City of *Carliſle*.
Edward Lord *Morpith*.
Sir *Chriſtopher Muſgrave* Knight.
Borough of *Cockermouth*.
Sir *Richard Grahme* Baronet.
Orlando Gee Eſq;

Derby, 4.

William Lord *Cavendiſh*.
William Sacheverel Eſq;
Town of *Derby*.
Antichel Gray Eſq;
George Vernon Eſq;

Devonſhire, 26.

Sir *William Courtenay* Baronet.
Samuel Rolle Eſq;
City of *Exeter*.
* Sir *Thomas Carew* Knight.
* *Thomas Walker* Eſq;
Borough of *Torneſs*.
* *John Kelland* Eſq;
* *Charles Kelland* Eſq;
Borough of *Plymouth*.
Sir *John Maynard* Knight.
Sir *William Jones* Knight.
Town of *Okehampton*.
Sir *Archer Harris* Baronet.
* Sir *George Cary* Knight.
Borough of *Barnſtable*
John Baſſet Eſq;
Richard Lee Eſq;

Borough

Borough of *Plympton.*
Sir *George Treby* Knight.
John Pollexfen Merchant.
Borough of *Honiton.*
Sir *Walter Young* Baronet.
Sir *Thomas Put* Baronet.
Borough of *Tavistock.*
Edward Ruſſel Eſq;
Sir *Francis Drake* Baronet.
Borough of *Aſhburton.*
Thomas Remel Eſq;
* *William Stawel* Eſq;
Borough of *Clifton, Dartmouth* and *Hardnes.*
Edward Yard Eſq;
John Upton Eſq;
Borough of *Beralſton.*
* Sir *Duncomb Colcheſter* Knight.
* *John Elwell* Merchant.
Borough of *Tivetton.*
Samuel Foot Eſq;
Sir *Henry Ford* Knight.

Dorſetſhire, 20.

Thomas Freke Eſq;
Thomas Strangeways Eſq;
Town of *Pool.*
Thomas Chaſin Eſq;
Henry Trenchard Eſq;
Borough of *Dorcheſter.*
James Gould Eſq;
Nathaniel Bond Eſq;

Borough of *Lime-Regis.*
Henry Henly Eſq;
Thomas Moor Eſq;
Borough of *Weymouth.*
Sir *John Coventry* Knight of the *Bath.*
Michael Harvey Eſq;
Melcom Regis.
Sir *John Morton* Baronet,
* *Henry Henning* Eſq;
Borough of *Bridport.*
William Brag Eſq;
* *John Michael* Eſq;
Borough of *Shafton,*
alias *Shaftsbury.*
Sir *Matthew Andrews* Knight.
Thomas Bennet Eſq;
Borough of *Wareham.*
Thomas Erle Eſq;
George Savage Eſq;
Borough of *Corfe-Caſtle.*
Sir *Nathan. Naper* Knight and Baronet.
* *Richard Fowns* Eſq;

Durham, 4.

William Bowes Eſq;
Thomas Fetherſton Hough Eſq;
City of *Durham.*
Sir *Richard Lloyd* Knight,
* *William Tempeſt* Eſq;

Eſſex, 8.

Henry Mildmay Eſq.

John Lemot Honywood Eſq;
Borough of *Colcheſter.*
Sir *Herbottle Grimſton* Baronet.
* *Samuel Reynolds* Eſq;
Borough of *Malden.*
Sir *William Wiſeman* Kt. and Baronet.
Sir *Thomas Darcy* Baronet.
Borough of *Harwich.*
Sir *Philip Parker* Baronet.
Sir *Thomas Mydalton* Knight.

Glouceſterſhire, 8.

Sir *Ralph Duſton* Baronet.
Sir *John Guiſe* Baronet.
City of *Glouceſter.*
Charles Lord *Dunceley*
* *Charles Somerſet* Lord *Herbert.*
Borough of *Cirencester.*
Sir *Robert Atkins* Junior Knight.
Henry Powle Eſq;
Borough of *Tukesbury.*
Sir *Henry Capel* Kinght of the *Bath.*
Sir *Francis Ruſſel* Baronet.

Herefordſhire, 8.

John Viſcount *Scudamore.*
Sir *Edward Harley* Kt. of the *Bath.*
City of *Hereford.*
Paul Foley Eſq;
* *Herbert Aubery* Eſq;
Borough of *Lempſter.*
John Duſton Colt Eſq;

Thomas

Thomas Conyngsby Esq;
Borough of *Weobly*.
John Birch Esq;
John Booth Esq;

Hertfordshire, 6.

Sir *Charles Cæsar* Knight,
* *William Hales* Esq;
Borough of *St. Albans*.
Sir *Thomas Pope Blount* Baronet.
Samuel Grimston Esq;
Borough of *Hertford*.
Sir *Thomas Bide* Knight.
Sir *William Cooper* Baronet.

Huntingtonshire, 4.

Sir *Thomas Proby* Baronet.
Silus Titus Esq;
Borough of *Huntington*.
Sidney Wortley, alias *Montague* Esq;
Lionel Walden Esq;

Kent, 10.

Sir *Vere Fane* Knight of the *Bath*.
Edward Deering Esq;
City of *Canterbury*.
* *Lewis Watson* Esq;
* *Vincent Denn* Esq;
City of *Rochester*.
Sir *John Banks* Baronet.

* Sir

* Sir *Francis Clerk* Knight.
Borough of Maidſtone
Sir *John Tufton* Knight and Bar.
Thomas Fane Eſq;
Borough of Quinborough.
William Glanvill Eſq;
* *Gerrard Gore* Eſq;

Lancaſter, 14.

Charles Lord *Brandon.*
Sir *Charles Houghton* Baronet.
Borough of Lancaſter.
Richard Kirkby Eſq;
William Spencer Junior, Eſq;
Borough or Town of Preſton
in Amounderneſs.
Sir *Robert Carr* Knight and Baronet
Sir *Gervas Elwes* Baronet.
Borough of Newton.
Sir *John Chichley* Knight.
Andrew Fountain Eſq;
Borough of Wigon.
* *Richard* Lord *Colcheſter.*
Charles Earl of *Ancram.*
Borough of Clitheroe.
Sir *Thomas Stringer* Knight.
* *Henry Marſden* Eſq.
Borough of Leverpool.
Ruſhee Wentworth Eſq;
John Dubon Merchant.

Leiceſter,

Leicester, 4.

Bennet Lord *Sherrard.*
Sir *John Hartop* Baronet.
Town of Leicester.
John Gray Esq;
Sir *Henry Beaumont* Knight.

Lincoln, 12.

George Lord Viscount *Castleton.*
Sir *Robert Carr* Knight and Baronet.
City of Lincoln.
* Sir *Thomas Hussey* Knight.
Sir *Thomas Meers* Knight.
Borough of Boston.
Sir *Anthony Irby* Knight.
Sir *William York* Knight.
Borough of Great Grimsby.
William Broxolme Esq;
George Pelham Esq;
Town of Stamford.
Sir *Richard Cust* Baronet.
William Hyde Esq;
Borough of Grantham.
Sir *William Ellis* Baronet.
Sir *John Newton* Baronet.

Middlesex, 8.

Sir *William Roberts* Knight.
* *Nicholas Raynton* Esq;

City

City of Westminster.
Sir *William Poulteney* Knight.
Sir *William Waller* Knight.
London.
Sir *Robert Clayton* Knight Alderman.
Thomas Pilkington Esq; Alderman.
Sir *Thomas Player* Knight.
William Love Esq;

Monmouth, 3.

Sir *Trevor Williams* Baronet.
Sir *Edmard Morgan* Knight.
Borough of Monmouth.
John Arnold Esq;

Norfolk, 12.

Sir *John Hobert* Baronet.
Sir *Peter Gleen* Baronet.
City of Norwich.
William Lord *Paston.*
Augustin Briggs Esq;
Town of Lyn-Regis.
* Sir *Henry Hobart* Knight.
Simon Taylor Esq;
Town of Great Yarmouth.
* Sir *James Johnson* Knight.
George England Esq;
Borough of Thetford.
Sir *Joseph Williamson* Knight.
William Harbord Esq;

Borough

Borough of Castlerising.
Sir Robert Howard Knight.
James Hoste Esq.

Northampton, 9.

John Parkhurst Esq;
Miles Fleetwood Esq;
City of Peterborough.
* William Lord Viz. Williams.
Francis St. John Esq;
Town of Northampton.
Ralph Montagu Esq;
Sir William Langham Knight.
Town of Brackley.
Sir Richard Wenman Baronet.
* William Keite Esq;
Borough of Higham-Ferries.
Sir Rice Rud Baronet.

Northumberland, 8.

Sir John Fenwick Baronet.
Sir Ralph Delaval Baronet.
Town of New-Castle upon Tine.
Sir Ralph Carr Knight.
Sir Nathaniel Johnson Knight.
Borough of Morpeth.
Sir George Downing Knight and Bar.
Daniel Collingwood Esq;
Town of Berwick upon Tweed.
Ralph Grey Esq;
John Rushworth Esq;

Notting-

Nottingham, 8.

Sir *Scroop How* Knight.
John White Eſq;
Town of Nottingham.
Robert Pierrepoint Eſq;
Richard Slater Eſq;
Borough of Eaſt-Retford.
Sir *Edward Nevile* Knight and Bar.
Sir *William Hicman* Baronet.
Town of Newark *upon* Trent.
Sir *Robert Markham* Baronet.
Sir *Richard Rothwel* Baronet.

Oxon, 9.

Thomas Herd Eſq;
* Sir *Philip Harcourt* Knight.
Univerſity of Oxon.
Sir *Leoline Jenkins* Knight.
Charles Perrot Doctor of Laws.
City of Oxon.
William Wright Eſq;
Broom Whorwood Eſq.
Borough of New-Woodſtock.
* *Henry Bartue* Eſq;
Nicholas Baynton Eſq;
Borough of Banbury.
Sir *John Holman* Baronet.

Rutland, 2.

Phillip Sherrard Eſq;

Edward

Edward Fawkener Eſq;

Salop, 12.

Richard Newport Eſq;
William Leveſon Gower Eſq;
Town of Salop.
Sir *Richard Corbet* Baronet.
Edward Kinnaſton Eſq;
Borough of Burges, *alias* Bridgnorth.
Sir *William Woitmore* Boronet.
Sir *Thomas Woitmore* Kt. of the Bath.
Borough of Ludlow.
Francis Charleton Eſq;
* *Charles Baldwyn* Eſq;
Borough of Great Wenlock.
John Woolriche Eſq;
William Forreſter Eſq;
Town of Biſhops Caſtle.
Sir *Richard Maſon* Knight.
* *Richard More* Eſq;

Sommerſet, 18.

Sir *William Portman* Baronet.
George Speke Eſq;
City of Briſtol.
* Sir *Richard Hart* Knight.
* *Thomas Earl* Eſq;
City of Bath.
* *Maurice Viſcount Fitzharding.*
* Sir *William Baſſet* Knight.

City

City of Wells.

William Camard Esq;
John Hall Esq;

Borough of Taunton.

Edmund Prideaux Esq;
John Trenchard Esq;

Borough of Bridgwater.

Sir *Hasewell Tynt* Baronet.
* Sir *John Mallet* Knight.

Borough of Minehead.

Francis Luttrell Esq;
Thomas Palmer Esq;

Borough of *Ilcester*.

* Sir *John St. Barb.*
* *Thomas Hodby* Jun. Esq;

Borough of *Milburn Port.*

John Hunt Esq;
Henry Bull Esq;

Southampton, 26.

* *Charles* Earl of *Wiltshire.*
Sir *Francis Robe* Knight.

City of *Winchester.*

James Lord *Annesley.*
Sir *John Clobery* Knight.

Town of *Southampton.*

Sir *Charles Windham* Knight.
Sir *Benjamin Norland* Knight.

Town of *Portsmouth.*

George Legg Esq;
Richard Norton Esq;

Borough of *Yarmouth.*

* Sir *Thomas Littleton* Baronet.
Lemuel Kingdon Esq;

Borough of *Petersfield.*

Sir *John Norton* Baronet.
Leonard Bisson Esq;

Borough of *Newport,* alias *Medina.*

Sir *Robert Dillington* Baronet.
John Leigh Esq;

Borough of *Stockbridge.*

* *Essex Strode* Esq;
Oliver St. John Esq;

Borough of *Newton.*

Daniel Finch Esq;
Sir *John Holms* Knight.

Borough of *Christ's Church.*

Sir *Thomas Clarges* Knight.
George Fulford Esq;

Borough of *Whitchurch.*

[illegible] Esq;
Henry Wallop Esq;

Borough of *Limington.*

Henry Dawley Esq;
John Burrard Esq;

Town of *Andover.*

* *Charles West* Esq;
* *John Collins* Esq;

Staffordshire, 10.

Sir *Walter Bagot* Baronet.
Sir *John Bowyer* Baronet.

City

City of *Litchfield.*

Daniel Finch Esq;
Michael Biddulph Esq;

Borough of *Stafford.*

Sir *Thomas Armstrong* Knight.
* *Edward Skrimsher* Esq;

Borough of *Newcastle* under Line.

Sir *Thomas Boller* Baronet.
William Leveson Gower Esq;

Borough of *Tamworth.*

Sir *Thomas Thynne* Baronet. | *By one In-*
* *John Sayntsen* Esq; | *denture.*
John Sayntsen Esq; *By another Inden-*
* *John Turton* Esq; *ture.*

Suffolk, 16.

Sir *Samuel Barnardiston* Baronet.
Sir *William Spring* Baronet.

Borough of *Ipswich.*

John Wright Esq;
Sir *John Barker* Baronet.

Borough of *Dunwich.*

Sir *Robert Kemp* Baronet.
Sir *Philip Skelton* Knight.

Borough of *Orford.*

Sir *John Duke* Baronet.
* *Thomas Glemham* Esq;

Borough of *Aldborough.*

John Bence Esq;
John Cremer Esq;

Borough of *Sudbury.*

Sir *Gervase Elwes* Baronet.
Gervase Elwes Esq;

Borough of *Eye*.

* Sir *Robert Reve* Baronet.

* Sir *Charles Gawdy* Knight and Bar.

Borough of St. *Edmondsbury*.

Sir *Thomas Harvey* Knight.

Thomas Jermyn Eſq;

Surry, 14.

Arther Onſlow Eſq;

George Evelyn of *Wotton* Eſq;

Borough of *Southwark*.

Sir *Rich How* Knight.

Peter Rich Eſq;

Borough of *Bletchingly*.

* Sir *William Guſton* Knight.

George Evelyn of *Nutfield* Eſq;

Borough of *Ryegate*.

* *Ralph Freeman* Eſq;

Dean Goodwin Eſq;

Borough of *Guilford*.

Richard Onſlow Eſq;

Morgan Randyl Eſq;

Borough of *Gatton*.

Sir *Nicholas Carew* Knight.

Thomas Turgis Eſq;

Borough of *Haſlemere*.

* Sir *William More* Baronet.

* *George Woodroffe* Eſq;

Sussex, 20.

Sir *William Thomas* Baronet.

Sir *John Fagg* Baronet.

City

City of *Chichester*

John Bramston Esq;

Richard Farrington Esq;

Borough of *Horsham.*

* *John Machell* Esq;

John Michell Esq;

Borough of *Midhurst.*

* *William Montague* Esq;

* *John Cook* Esq;

Borough of *Lewis.*

Thomas Pelham Esq;

Richard Bridger Esq;

Borough of *New Shoreham.*

* *Robert Fagg* Esq;

John Hale Esq;

Borough of *Bramber.*

* *Percy Goring* Esq;

Henry Goring Esq;

Borough of *Steyning.*

Sir *John Fagg* Baronet.

* Sir *James Morton* Knight.

Borough of *East-Grinstead.*

* Sir *Cyril Wych* Knight.

Henry Peirs Esq;

Borough of *Arundel.*

William Gorge Esq;

James Butler Esq;

Warwickshire, 6.

*

* Sir *Richard Newdigate* Baronet.

* *Thomas Mollier* Esq;

*

City of *Coventry*.
Richard Hopkins Esq;
John Stratford Esq;
Borough of *Warwick*.
* *Thomas Coventry* Esq;
Thomas Lucy Esq;

Westmoreland, 4.

* Sir *John Lowther* of *Lowther* Bar.
Allan Bellingham Esq;
Borough of *Apulby*.
* *Sackvil Tufton* Esq;
* Sir *John Bland* Baronet.

Wiltshire, 24.

Sir *Walter St. John* Baronet.
Thomas Thynne Esq;
City of *New Sarum*.
* *John Wadham* Esq;
Alexander Thistlewaite Esq;
Borough of *Wilton*.
Thomas Herbert Esq;
Sir *John Nicholas* Knight of the Bath.
Borough of *Downton*.
Sir *Joseph Ash* Baronet.
Maurice Bockland Esq;
Borough of *Hindon*.
[illegible] *How* Kt. and Bar.
* *John Thynne* Esq;
Borough of *Westbury*.
William Trenchard Esq;
* *John Ash* Esq;

Borough of *Hindon.*

William Aſh Eſq;
Edward Aſh Eſq;

Borough of *Calne.*

Sir *George Hungerford* Knight.
* *Walter Norburn* Eſq;

Borough of *Devizes.*

* Sir *Walter Rawley* Baronet.
* *George Johnſon* Eſq;

Borough of *Chippenham.*

Sir *Edward Hungerford* Kt. of the *Bath,*
Sir *George Speke* Baronet.

Borough of *Malmsbury.*

Sir *William Keyt* Baronet.
Sir *James Long* Baronet.

Borough of *Cricklade.*

William Lambe Eſq;
Edmund Webb Eſq;

Borough of *Great Bedwyn.*

* Sir *John Rawly* Knight.
* *John Wildman* Eſq;

Borough of *Ludgerſhall.*

Thomas Neal Eſq; } by one Inden-
John Gwyn Eſq; } ture.
* Sir *John Talbot* Knight. } by another
* *John Smith* Eſq; } Indenture.

Borough of *Old Sarum.*

Sir *Edmund Harvey* Knight.
Sir *Thomas Thompſon* Knight.

Borough of *Weſtbury Baſſet.*

Henry Saint John Eſq;
John Eyles Eſq;

Borough

Borough of *Marlborough.*
Thomas Lord *Brace.*
Thomas Bener Esq;

Worcestershire, 9.

Thomas Foley Esq;
* *Bridges Nanfan* Esq;
City of *Worcester.*
Sir *Francis Winington* Knight.
* *Henry Herbert* Esq;
Borough of *Droitwich.*
Henry Coventry Esq;
Samuel Sandys the Elder Esq;
Borough of *Evesham.*
Sir *James Rushout* Baronet.
* *Edward Rudge* Esq;
Borough of *Bewdley.*
Philip Foley Esq;

York, 30.

Charles Lord *Clifford.*
Henry Lord *Fairfax.*
City of *York.*
Sir *Henry Thompson* Knight.
Sir *John Hewley* Knight.
Town of *Kingston upon Hull.*
Sir *Michael Wharton* Knight.
William Gee Esq;
Borough of Knaesborough.
Sir *Thomas Slingsby* Baronet.
William Stockdale Esq;
Borough of *Scarborough.*
William Thompson Esq;
Francis Thompson Esq;
Borough of *Rippon.*
Richard Stern Esq;
Christopher Wandesford Esq;

Borough

Borough of *Richmond.*
* *John Darcy* Esq;
Humphry Wharton Esq;
Borough of *Heydon.*
Henry Guy Esq;
William Boynton Esq;
Borough of *Boroughbrigg.*
Sir *Thomas Mauleverer* Baronet.
Sir *John Brooke* Baronet.
Borough of *Malton.*
William Palmer Esq;
Sir *Watkinson Paylet* Baronet.
Borough of *Thirsk.*
Sir *William Franckland* Knight.
* Sir *William Ascough* Knight.
Borough of *Aldborough.*
Sir *Godfrey Copley* Baronet.
* Sir *John Rorethy* Baronet.
Borough of *Beverly.*
Sir *John Hotham* Baronet.*
Michael Warton Esq;
Borough of *Northallerton.*
Sir *Gilbert Gerard* Baronet.
Sir *Henry Calverly* Knight
Borough of *Pontefract.*
Sir *John Downey* Viscount *Down*
Sir *Patience Ward* Knight.

BARONS of the CINQUE PORTS 16.

Port of Hastings.
Sir *Robert Parker* Baronet.
* *Thomas Man* Esq;

Town

Town of Winchester.
* Sir Stephen Lennard Knight.
Creswold Draper Esq;
Town of Rye.
Sir John Darrell Kt.
Thomas Frewen Esq;
Port of New-Romney.
Sir Charles Sedley Baronet.
Paul Barret Esq;
Port of Hythe.
Sir Edward Dering Baronet.
Edward Finch Esq;
Port of Dover.
William Lenthall Esq;
Thomas Papillon Esq;
Port of Sandwich.
Sir James Oxenden Knight and Bar.
John Thurbane Esq;
Port of Seaford.
* Edward Montague Esq;
* Edward Seymour Esq;

WALES.

(24)

Anglesey, 2.

Richard Bulkley Esq;
Town of Beaumaris.
Henry Bulkley Esq;

Brecon

Brecon, 2.

Richard Williams Esq;
Town of *Brecon.*
John Jeffreys Esq;

Cardigan, 2.

Edward Vaughan Esq;
Town of *Cardigan*
Hector Philipps Esq;

Carmarthen, 2.

John Lord *Vaughan* K. of the *Bath.*
Town of *Carmarthen.*
Alexander Jones Esq;

Carnarvon, 2.

Sir Thomas Roderick Knight and Baronet.
Town of *Carnarvon.*
Thomas Assheton Esq;

Denby, 2.

Sir John Trevor Knight,
Town of *Denbo*
Sir John Salisbury Baronet,

Flint,

Flint, 2.

* Sir *John Hanmer* Kt. and Baronet.
Town of *Flint.*
* *Thomas Whitley* Esq;

Glamorgan, 2.

* Sir *Edward Mansel* Baronet.
Town of *Cardiffe.*
Bussy Mansel Esq;

Merionith, 1.

* Sir *Robert Owen* Knight.

Pembroke. 3.

* [illegible] Esq;
Town of *Haverford-West.*
* *Thomas Howard* Esq;
Town of *Pembrook.*
Arthur Owen Esq;

Montgomery, 2.

Edward Vaughan Esq;
Town of *Montgomery.*
Matthew Price Esq;

Radnor,

Radnor, 2.

Sir *Roland Gwynne* Knight.

Town of *Radnor.*

* Sir *John Meyrick* Baronet.

The COMMONS

In all 513

New Members returned 110.

BUT after all these forementioned Debates so solemnly, impartially and deliberately argued in the Houses, and the Advice of the Commons of *England* so sincerely and cordially given upon the most weighty and important Affairs of the Kingdom, His Majesty sway'd by the extravagant Counsels of his Self-interested Courtiers, in a hurry, was pleased to dissolve the Parliament.

But finding the Nation dissatisfied with such violent Proceedings, he found it necessary to put forth a Declaration *to all his loving Subjects*, signed *Francis Gwyn*, and ordered to be read in all Churches of *England*, declaring the Causes and Reasons that moved him to dissolve the two last Parliaments, which ran to this effect.

That he was much troubled to be brought to the Dissolving the two last Parliaments, without any more benefit to the People, but that having done his part in providing them so many Opportunities for their Good, it could not be justly imputed to him, that the Success did not answer his Expectation.

Therefore he could not but at that time take notice of the particular Causes of his Dissatisfaction, recommended at the beginning of the last Parliament, to their Care to avoid. To which purpose, at the last Parliament held at *Westminster*, he had expressed his readiness to satisfie their Desires, to secure them against all their just Fears of his not preserving the established Religion, and Liberty and Property of the Subjects at Home, and supporting his Allies abroad.

To which intent, he solemnly declared his Resolutions to have complied with them in any thing

so

ſo far as would have been conſiſtent with the Being of the Government.

In order whereunto, he asked them to ſupport his Alliances for the general Peace of Chriſtendom; he recommended to them the farther Examination of the Plot; he deſired their Advice for the Preſervation of *Tangier*, and offered all Remedies for the Preſervation of the Proteſtant Religion, that the Succeſſion might be preſerved in its due and legal Courſe. To all which, he met with unſuitable Returns of Addreſſes more like Remonſtrances, Arbitrary Orders, and ſtrange illegal Votes for Matters that had no relation to Privi-ledges of Parliament, *viz.*

That no Man ſhould lend any Money upon the Branches of the Kings Revenue; nor buy or pay any Tally of Anticipation upon any part of the Kings Revenue.

Which Votes, not only diſabled him to ſupport his Allies, and preſerve *Tangier*, but expoſed him to all Dangers that might happen at home or abroad.

That the ſame Month they paſſed another Vote, That the Proſecution of Proteſtant Diſſenters was a Grievance to the Subject, &c. By which Vote, they aſſumed to themſelves a Power of ſuſpending Acts of Parliament.

That theſe Proceedings cauſed him to part with the firſt Parliament, and to aſſemble another at *Oxford*, who had warning given them of the Errors of the former, and were required to make the Laws of the Land their Rule, adding withal, that he could not depart from what he had formerly declared concerning the Succeſſion; yet

that

that he was ready to hearken to any Expedient, by which the Religion eſtabliſhed might be preſerved, yet Monarchy not be deſtroyed.

Nevertheleſs, That no Expedient would be entertained, but a total Excluſion, which ſo nearly concerned him in Honour, Juſtice and Conſcience, that he could not conſent to it. Beſides that, he had reaſon to believe, that had he conſented to the Excluſion, the Parliament would have attempted Changes of greater Importance.

That the buſineſs of *Fitz-Harris* was carried on to that extremity, that there was no hopes of a Reconciliation. They having voted that their Refuſal of his Impeachment by the Lords was a Denial of Juſtice, and a Violation of the Conſtitution of Parliaments, an Obſtruction to the farther Diſcovery of the Plot, and of great danger to his Majeſties Perſon and the Proteſtant Religion. All which, in his Opinion, put the two Houſes out of a Capacity of tranſacting Buſineſs together, and conſequently was the greateſt Violation of the Conſtitution of Parliaments. And that theſe Heats between the two Houſes, and Diſappointments of the Publick Ends, cauſed him to put an end to that Parliament likewiſe.

However, that notwithſtanding the Malice of ill Men, who laboured to perſwade the People that he intended to lay aſide the Uſe of Parliaments, he declared that no Irregularities in Parliaments ſhould ever make him out of Love with them; but that on the other ſide, he was reſolved to have frequent Parliaments, and in the Intervals, to uſe his utmoſt Endeavors to extirpate Popery, and redreſs the Grievances of his Subjects, hoping at the next meeting in Parliament, to perfect all that Settlement which ſhould be found wanting either in Church or State.

A

A

JUST and MODEST

VINDICATION

OF THE

PROCEEDINGS

Of the Two Last

Parliaments.

LONDON, Printed in the Year, 1689.

UMI

A

JUST and MODEST VINDICATION OF THE PROCEEDINGS Of the Two Laſt Parliaments.

THE Amazement which ſeiz'd every good Man upon the unlook'd for Diſſolution of two Parliaments, within three Months, was not greater than at the ſight of a Declaration pretending to juſtifie, and give Reaſons for ſuch extraordinary Proceedings.

It is not be denied, but that our Kings have in a great meaſure been intruſted with the power of Calling and Declaring the Diſſolutions of Parliaments. But leaſt through defect of Age, Experience or Underſtanding, they ſhould at any time forget, or miſtake our Conſtitution; or by Paſſion, private Intereſt, or the Influence of ill

Counſellors, be ſo far miſled as not to Aſſemble Parliaments, when the publick Affairs require it; or to declare them Diſſolved before the ends of their Meeting were accompliſhed: The Wiſdom of our Ancestors has proved by divers Statutes, both for the holding of Parliaments Aunually, and that they ſhould not be prorogued or Diſſolved till all the Petitions and Bills before them were anſwered and redreſſed. The Conſtitution had been equally imperfect and deſtructive of it ſelf, had it been left to the choice of the Prince whether he would ever Summon a Parliament, or put into his power to diſmiſs them Arbitrarily at his pleaſure.

4 Edward 3. *c.* 14. 36 Edward 3. *c.* 10. 2 Richard 2. *Nu.* 28.

That Parliaments ſhould thus meet, and thus ſit, is ſecured to us by the ſame Sacred Tie, by which the King at his Coronation does oblige himſelf, to let his Judges Sit to diſtribute Juſtice every Term, and to preſerve inviolably all other Rights and Liberties of his Subjects. Therefore abruptly to Diſſolve Parliaments at ſuch a Time, when nothing but the Legiſlative Power, and the United Wiſdom of the Kingdom could relieve us from our Juſt Fears, or ſecure us from our certain Dangers, is very unſuitable to the great Truſt repoſed in the Prince, and ſeems to expreſs but little of that Affection which we will always hope his Majeſty bears towards his People and the Proteſtant Religion. But 'tis not only of the Diſſolution it ſelf that we complain: The manner of doing it, is unwarranted by the Precedents of former Times, and full of dange-

rous

rous Consequents. We are taught by the Writ of Summons, that Parliaments are never called without the Advice of the Council, and the usage of all Ages has been never to send them away without the same Advice. To forsake this safe Method, is to expose the King personally to the Reflections and Censures of the whole Nation for so ungrateful an Action. Our Laws have taken care to make the King always dear to his People, and to preserve his Person sacred in their Esteem, by wisely preventing him from appearing as Author of any thing which may be unacceptable to them. 'Tis therefore that he doth not Execute any considerable Act of Regal Power, till it be first debated and resolved in Council, because then 'tis the Counsellors must answer for the Advice they give, and are punishable for such Orders as are Irregular and Illegal. Nor can his Ministers justifie any unlawful Action under the Colour of the King's Commands, since all his Commands that are contrary to Law, are void, which is the true Reason of that well known *Maxim*, *That the King can do no wrong*. A *Maxim* just in it self, and alike safe for the Prince and for the Subject, there being nothing more absurd, than that a Favourite should excuse his enormous Actings by a pretended Command, which we may reasonably suppose he first procured to be laid upon himself. But we know not whom to charge with Advising this late Dissolution. It was a work of Darkness, and if we are not misinform'd, the Privy Council was as much surprised at it as the Nation.

Nor will a future Parliament be able to charge any Body as the Author or Adviser of the late Printed Paper, which bears the Title of *His Majesty's Declaration*, though every good Subject ought to be careful how he calls it so. For his Majesty never speaks to his People as a King, but either personally in his Parliament, or at other times under his Seal, for which the Chancellor or other Officers are responsible, if what passes them be not warranted by Law. Nor can the Direction of the Privy Council enforce any thing upon the people, unless that Royal and Legal Stamp gives it an Authority. But this Declaration comes abroad without any such Sanction, and there is no other Ground to ascribe it to his Majesty, than the uncertain Credit of the Printer, whom we will easily suspect of an Imposture, rather than think the King would deviate from the approved course of his Illustrious Ancestors, to pursue a New and Unsuccessful Method.

The first Declaration of this sort which I never met with, being that which was published in the Year 1628. which was so far from answering the ends of its coming out, that it filled the whole Kingdom with Jealousies, and was one of the first sad Causes of the ensuing unhappy War.

The Truth is, Declarations to justifie what Princes do, must always be either needless or ineffectual. Their Actions ought to be such as may recommend themselves to the World, and carry their own Evidence along with them of their usefulness to the Publick; and then no Arts

to justifie them will be necessary. When a Prince descends so low as to give his Subjects Reasons for what he has done, he not only makes them Judges whether there be any weight in those Reasons, but by so unusual a submission gives cause to suspect, that he is conscious to himself that his Actions want an Apology. And if they are indeed unjustifiable, if they are opposite to the Inclinations, and apparently destructive to the Interest of his Subjects, it will be very difficult for the most Eloquent or Insinuating Declaration, to make them in Love with such things. And therefore they did certainly undertake no easie Task in pretending to perswade men who see themselves exposed to the restless Malice of their Enemies, who observe the languishing Condition of the Nation, and that nothing but a Parliament can provide Remedies for the great Evils which they Feal and Fear; that two several Parliaments, upon whom they had placed all their hopes, were so suddenly broken out of kindness to them, or with any regard to their Advantage. It was generally believed, that this Age would not have seen another Declaration, since *Coleman*'s was so unluckily published before its time: Not only because thereby the World was taught how little they ought to rely upon the sincerity of such kind of Writings; but because that was a Master-piece which could hardly be equall'd, and our present Ministers may well be out of Countenance, to see their Copy fall so very much short of the Original.

But ſhould this Declaration be ſuffered to go abroad any longer, under the Royal Name, yet it will never be thought to have proceeded from his Majeſties Inclination, or his Judgment, but to be gained from him by the Artifices of the ſame ill Men, who not being content to have prevailed with him to Diſſolve two Parliaments, only to protect them from publick Juſtice, do now hope to excuſe themſelves from being thought the Authors of that Counſel, by making him openly to avow it. But they have diſcovered themſelves to the Kingdom, and have told their own Names, when the number amongſt the great Crimes of the Houſe of Commons, their having *Declared divers Eminent Perſons to be Enemies to the King and Kingdom.* 'Tis our happineſs, that the Cunning of theſe *Eminent Perſons* is not equal to their Malice, in that they ſhould thus unwarily make themſelves known when they had ſo ſecretly, and with ſo much Caution, given the pernicious Advice. None could be offended at the proceedings of the Parliaments, but they who were obnoxious; none could be concerned to vindicate the Diſſolution, but they who had adviſed it. But they have performed this laſt Undertaking after ſuch a ſort, that they have left themſelves not only without juſtification, but without all pretence hereafter. The People were willing to think it the Unfortunate Effect of ſome ſudden and precipitate Reſolution; but ſince they have now publickly aſſured us, that it was the Reſult of Counſel and Deliberation, they cannot blame us for hoping one day to ſee Juſtice done upon ſuch Counſellors.

But

But though to the Diſhonour of our Country it does appear, that ſome *Engliſh* Men were concerned in the unhappy Advice, of breaking the two laſt Parliaments, and ſetting up this pretended Defence of it; yet the *Galliciſms* which are found in the Paper ſhew the Writer to have been of another Nation, or at leaſt to have had his thoughts ſo much taken up for the Intereſts of *France*, (whilſt he was labouring this way to heighten and perpetuate the differences between the King and his People,) that he could not expreſs himſelf in any other *Idiom* than theirs, he would not otherwiſe have introduced the King, ſaying, That *it was a Matter extreamly ſenſible to Us*; a Form of Speech peculiar to the *French*, and unknown to any other Nation. The Reader (who underſtands that Language) will obſerve ſo many more of this kind as will give him juſt cauſe to doubt, whether the whole Paper was not a Tranſlation, and whether the *Engliſh* one, or that which was publiſhed in *French*, was the Original?

Let us then no longer wonder, that the time of Diſſolving our Parliaments, is known at *Paris* ſooner than at *London*, ſince 'tis probable, the Reaſons now given for it, were formed there too. The Peers at *Oxford* were ſo totally ignorant of the Council, that they never once thought of a Diſſolution, till they heard it pronounced; but the Dutcheſs of *Mazarine* had better Intelligence, and publiſhed the News at St. *James's* many hours before it was done. This Declaration was not Communicated to the Privy Council, till *Friday* the 8th. of *April*, when his Majeſty

jesty (according to the late Method) did Graciously declare to them his pleasure, to set it forth, without desiring from them any Advice in the matter; but Monsieur *Barillon*, the *French* Ambassador, did not only read it to a Gentleman the Fifth of *April*, but advised with him about it, and demanded his Opinion of it, which his Excellency will the better remember, because of the great Liberty which the Person took in Ridiculing it to his Face. *Good God! to what a Condition is this Kingdom reduced, when the Ministers and Agents of the only Prince in the World, who can have Designs against, or of whom we ought to be afraid, are not only made acquainted with the most secret Passages of State, but are made our Chief Ministers too, and have the principal Conduct of our Affairs.* And let the World judge if the Commons had not reason for their Vote, when they declared those *Eminent Persons*, who manage things at this rate, *To be the Enemies to the King and Kingdom, and Promoters of the* French *Interest*.

Whosoever considers the Actions of our Great Men, will not think it strange that they should be hard put to it to find out Reasons which they might give for any of them, and they have had very ill luck whenever they went about it. That Reason which they had given for Dissolving three several Parliaments successively, is now grown ridiculous, *That the King was resolved to meet his People, and to have their Advice in frequent Parliaments*, since every Man took notice, that as soon as the Ministers began to suspect that his Majesty was inclined to hearken to, and pursue their Advice, those very Parliaments were presently Dissolved.

Dissolved. This was all the Ground and Cause, which was thought of for breaking the last Parliament at *Westminster*, when the Proclamation of the 18th. of *January*, 1680. was published; But they have now considered better, and have found out faults enough to swell into a Declaration, and yet as much offended as they are with this Parliament, they seem more highly angry with that which followed at *Oxford*. Nor is it at all strange that it should fall out so: For the Court never did yet Dissolve a Parliament abruptly, and in a Heat, but they found the next Parliament more Averse, and to insist upon the same things with greater eagerness than the former. *English* Spirits resent no Affronts so highly as those which are done to their Representatives, and the Court will be sure to find the Effects of that Resentment in the next Election. A Parliament does ever participate of the present Temper of the People. Never were Parliaments of more different Complexions than that of 1640. and that of 1661. Yet they both exactly answered the humours which were predominant in the Nation, when they were respectively chosen. And therefore while the people do so universally Hate and Fear *France* and *Popery*, and do so well understand who they are who promote the *French* and *Popish* Interests, the Favourites do but cozen themselves to think that they will ever send up Representatives less Zealous to bring them to Justice, than those against whom this Declaration is published. For surely this Declaration (what great things soever may be expected from it) will make but very few Converts, not only because it represents things as

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high Crimes; which the whole Kingdom has been celebrating as meritorious Actions, but because the people have been so often deceived by former Declarations, that whosoever carries that Name, will have no Credit with them for the Future. They have not yet forgotten the Declaration from *Breda*, though others forgot it so soon, and do not spare to say, that if the same Diligence, the same earnest Solicitation, had been made use of in that Affair, which have been since exercised directly contrary to the Design of it, there is no doubt but every part of it would have had the desired Success, and all his Majesties Subjects would have enjoyed the Fruits of it, and would now been extolling a Prince so careful to keep Sacred his Promises to his People. If we did take notice of the several Declarations, published since that which we have last mentioned, we shall find they signifie as little; and therefore we will only remember the last, made the 20th of *April*, 1679. and Declared in Council, and in Parliament, and after published to the whole Nation; Wherein his Majesty owns that he is *sensible of the ill posture of his Affairs, and the great Jealousies and Dissatisfaction of his good Subjects, whereby the Crown and Government was become too weak to preserve it self, which proceeded from his use of a single Ministry, and of private Advices; and therefore professes his Resolution, to lay them wholly aside for the future, and to be Advised by those Able and Worthy Persons, whom he had then chosen for his Council, in all his Weighty and Important Affairs.* But every man must Acknowledge that either His Majesty has utterly forgotten this publick and solemn Promise, or else that nothing *Weighty* and

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Importance has happened from that time to this very day.

As for the Declaration read in our Churches the other day, there needs no other Argument to make us doubt of the reality of the promiſes which it makes, than to conſider how partially, and with how little ſincerity the things which it pretends to relate, are therein repreſented. It begins with telling us in His Majeſties Name, That *it was with exceeding great Trouble that he was brought to Diſſolve the two laſt Parliaments, without more benefit to the People by the calling of them.* We ſhould queſtion His Majeſties Wiſdom, did we not believe him to have underſtood, that never Parliaments had greater *Opportunities* of doing good to himſelf and to his People. He could not but be ſenſible of the Dangers, and of the Neceſſities of his Kingdom; and therefore could not *without exceeding great Trouble*, be prevailed upon for the ſake of a few Deſperate Men, (whom he thought himſelf concern'd to love now, only becauſe he had loved them too well, and truſted them too much before;) not only to diſappoint the Hopes and Expectations of his own People, but of almoſt *Europe*. His Majeſty did indeed *do His part*, ſo far, in *giving Opportunities for providing for our Good*, as the Calling of Parliaments does amount to, and it is to be imputed to the Miniſters only, *That the ſucceſs* of them *did not Anſwer His* and Our *Expectations*. 'Tis certain it cannot be imputed to any of the Proceedings of either of thoſe Parliaments; which were compoſed of Men of as good Senſe and Quality as any in the Nation, and proceeded with as great Moderation, and managed

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their Debates with as much temper, as was ever known in any Parliament. If they ſeem'd to go too far in any thing, His Majeſties Speeches or Declarations had miſled them, by ſome of which they had been invited to enter into every one of thoſe Debates, to which ſo much Exception has been ſince taken. Did he not frequently recommend the *Proſecution of the Plot* to them, *with a ſtrict and Impartial Inquiry?* Did he not tell them, *That he neither thought himſelf nor them ſafe, till that matter was gone through with?* Did he not in his Speech of the 30*th.* of *April*, 1679. Aſſure them, that it was *his conſtant Care to ſecure our Religion for the Future in all Events, and that in all things which concern'd the Publick Security, he would not follow their Zeal, but lead it?* Has he not often wiſh'd, *that he might be able to exerciſe a Power of Diſpenſation in reference to thoſe Proteſtants, who through Tenderneſs of miſguided Conſcience did not conform to the Ceremonies, Diſcipline and Government of the Church?* And promiſed that he would *make it his ſpecial care to incline the Wiſdom of the Parliament to concur with him, in making an Act to that purpoſe?* And leaſt the malice of ill men might object, that theſe gracious Inclinations of his continued no longer, than while there was a poſſibility of giving the Papiſts equal benefit of a Toleration. Has not his Majeſty ſince the diſcovery of the Plot, ſince there was no hopes of get-

Speech 21. *Oct.* 1680.

Speech 30. *Apr.* 1679.

Speech 26. *Dec.* 1662.

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ting ſo much as a Convenience for them, in his Speech of the 6th. of *March*, 1679. Expreſt *His Zeal* not only *for the Proteſtant Religion in General, but for an Union amongſt all ſorts of Proteſtants?* And did he not command my Lord Chancellor at the ſame time to tell them, *that it was neceſſary to diſtinguiſh between Popiſh and other Recuſants, between them that would deſtroy the whole Flock, and them that only wander from it?* Theſe things conſidered, we ſhould not think the Parliament went too far, but rather that they did not follow his Majeſties Zeal with an equal pace. The Truth is, if we obſerve the daily Provocations of the Popiſh Faction, whoſe Rage and Inſolence were only increaſed by the Diſcovery of the Plot, (ſo that they ſeemed to deſie Parliaments, as well as Inferior Courts of Juſtice,) under the Protection of the Duke, (their publickly avowed Head;) who ſtill carried on their Deſigns by new and more deteſtable Methods than ever, and were continually buſie by Perjuries and Subornations, to charge the beſt, and moſt conſiderable Proteſtants in the Kingdom with Treaſons, as black as thoſe of which themſelves were Guilty. If we obſerve what vile Arts were uſed to hinder the further Diſcovery, what Liberty was given to reproach the Diſcoverers, what means uſed to deſtroy or to corrupt them; how the very Criminals were encouraged and allowed to be good Witneſſes againſt their Accuſers? We ſhould eaſily excuſe any *Engliſh* Parliament thus beſet, if they had been carried to ſome little Exceſſes. But yet all this could not provoke them to do any

Speech 6. March, 1679.

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thing not justifiable by the Laws of Parliament, or un-becoming the Wisdom and Gravity of an *English* Senate!

But we are told that His Majesty *Opened the last Parliament which was held at* Westminster, *with as Gracious Expressions of His Readiness to satisfie the Desires of his Subjects, and to secure them against all their just Fears, as the Weighty Consideration, either of preserving the Established Religion and Property of his Subjects at Home, or of supporting his Neighbours and Allies Abroad could fill his Heart with.* We must own that his Majesty has Opened all his Parliaments at *Westminster*, with very *Gracious Expressions*: Nor has he wanted that Evidence of His *Readiness to satisfie the Desires of his Subjects*; but that sort of Evidence will soon lose its force if it be never followed by Actions correspondent, by which only the World can judge of the sincerity of Expressions or Intentions. And therefore the Favourites did little consult His Majesties Honour, when they bring him in solemnly declaring to his Subjects, *That his Intentions were as far as would have consisted with the very Being of the Government, to have complied with any thing that could have been proposed to him to accomplish those Ends*; when they are not able to produce an Instance wherein they suffered him to comply in any one thing. Whatsoever the House of Commons Addres'd for, was certainly deny'd, though it was only for that Reason; and there was no surer way of Intituling ones self to the Favour of the Court, than to receive a Censure from the Representative Body of the People. Let it for the present be admitted, that some of the things desired by that

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Parliament were exorbitant, and (becauſe we will put the Objection as ſtrong as is poſſible) inconſiſtent with the very being of the Government, yet at leaſt, ſome of their Petitions were more reaſonable. The Government might have ſubſiſted, though the Gentlemen, put out of the Commiſſion of the Peace, for their Zealous acting againſt the *Papiſts*, had been reſtor'd; nor would a final Diſſolution of all things have enſued, though Sir *George Jefferies* had been removed out of publick Office, or my Lord *H.* himſelf from his Majeſties Preſence and Councils. Had the Statute of the Thirty ſifth of Queen *Elizabeth* (which had juſtly ſlept for Eighty Years, and of late, unſeaſonably revived) been repealed, ſurely the Government might ſtill have been ſafe. And though the Fanaticks perhaps had not deſerved ſo well as that in favour to them, his Majeſty ſhould have paſſed that Bill: yet ſince the Repeal might hereafter be of ſo great Uſe to thoſe of the Church of *England*, in caſe of a Popiſh Succeſſor, (which Bleſſing his Majeſty ſeems reſolved to bequeath to his People;) one would have thought he might have complied with the Parliament in that Propoſal. At leaſt, we ſhould have had leſs Reaſon to complain of the refuſal, if the King would have been but Graciouſly pleaſed to have done it in the ordinary way. But the Miniſters thought they had not ſufficiently triumphed over the Parliament, by getting the Bill rejected, unleſs it were done in ſuch a manner, as that the Preſident might be more pernicious to Poſterity, by introducing a new *Negative* in the making of Laws,

than the losing of any Bill, how useful soever could be to the present Age. This we may affirm, that if the Success of this Parliament did not answer Expectation, whoever was guilty of it, the House of Commons did not fail of *doing their Part*. Never did men Husband their time to more Advantage. They opened the Eyes of the Nation. They shewed them their danger, with a Freedom becoming *English* Men. They asserted the Peoples Right of Petitioning. They proceeded vigorously against the Conspirators Discovered, and Heartily endeavoured to take away the very Root of the Conspiracy: They had before them as many great and useful Bills as had been seen in any Parliament, and it is not to be laid at their Doors that they proved Abortive. This Age will never fail to give them their grateful Acknowledgments, and Posterity will remember that House of Commons with Honour.

We come now to the particular enumeration of those Gracious Things which were said to the Parliament at *Westminster*. His Majesty ask'd of them *the supporting the Alliances he had made for the Preservation of the General Peace in Christendom*. 'Tis to be wish'd his Majesty had added to this Gracious Asking of Money, a Gracious Communication of those Alliances, and that such blind Obedience had not been exacted from them, as to Contribute to the Support of they knew not what themselves; nor before they had considered whether those Alliances which were made, were truly design'd for that End which was pretended, or any way

way likely to prove effectual to it. Since no Precedent can be shewn, that ever a Parliament, (not even the late Long Parliament, though filled with *D.* his Pensioners) did give Money for maintaining any Leagues, till they were first made acquainted with the particulars of them. But besides this, the Parliament had reason to consider well of the General Peace it self, and the Influence it might have, and had, upon our Affairs, before they came to any Resolution, or so much as to a Debate about preserving it; since so wise a Minister as my Lord *Chancellor* had so lately told us, *That it was fitter for Meditation than Discourse.* He informed us in the same Speech, That the Peace then was but the Effect of Despair in the Confederates, and we have since learn'd by whose means they were reduced to that Despair; and what price was demanded of the *French King* for so great a Service. And we cannot but be sadly sensible how by this Peace, that Monarch has not only quite Dissolv'd the Confederacy form'd against him, enlarged his Dominions, gained time to refresh his Souldiers harrassed with long Service, setled and composed his Subjects at Home, increased his Fleet, and replenished his Exchequer for new and greater Designs; but his Pensioners at our Court have grown insolent upon it, and presuming that now he may be at leisure to assist them in Ruining *England*, and the Protestant Religion together, have shaken off all dread of Parliaments, and have prevail'd with his Majesty to use them with as little respect, and to disperse them with as great Contempt, as if they had

Lord Chancellor's Speech, 23 May, 1678.

had been a Conventicle, and not the great Representative of the Nation, whose Power and Wisdom only could save him and us, in our present Exigencies.

But whatever the Design of them was, or the Effect of them is like to be, yet Alliances have a very good sound, and a Nation so encompassed with Enemies abroad, and Traitors and Pensioners to those Enemies at home, must needs be glad to hear of any new Friends. But alas, if we look into the Speech made at the Opening of that Parliament, we shall find no mention of any new Ally except the *Spaniard*, whose Affairs at that time, through the Defects of his own Government, and the Treachery of our Ministers, were reduced to so desperate a State, that he might well be a Burden to us; but there was little to be hoped from a Friendship with him, unless by the name of a League, to recommend our Ministers to a new Parliament, and couzen Country Gentlemen out of their Money. But upon perusal of that League, it appears by the Third, Fourth, and Fifth Articles, that it was like to create us Trouble enough, for it engages us indefinitely to enter into all the Quarrels of the *Spaniards*, though they happened in the *West Indies* or the *Philipine Islands*, or were drawn upon himself by his own Injustice or causeless Procations. By this we shall be obliged to espouse his difference with the Duke of *Brandenburgh*, though all that Duke did, was according to the Law of Nations, to Reprize *Spanish* Ships for a just Debt frequently demanded in vain. By this we shall be obliged to engage in his present War with the *Portugueſe*, though he by

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his violent ſeizing of the Iſland of St. *Gabriel*, which had long been in their peaceable poſſeſſion, without once demanding it of them, has moſt juſtly provoked the *Portugueſe* to invade *Spain*. Nor are we bound only to aſſiſt him in caſe of an Invaſion; but in caſe of any Diſturbance whatſoever, which muſt be intended of inteſtine Troubles, (and it is ſo directly explained in the ſecret Article, which all *Europe* ſays, was ſigned at the ſame time.) So that if the preſent King of *Spain* ſhould imitate his Great Grandfather, *Philip* the Second, and oppreſs any of his Subjects, as cruelly as he did thoſe of the *Low Countries*, and ſo force them to a neceſſary Self Defence; we have renounced the policy of our Anceſtors, who thought it their Intereſt as well as their Duty to ſuccour the diſtreſſed, and muſt not only aid him with 8000 Men for three Months, to make thoſe People Slaves, but if the matter cannot be compoſed in that time, make War upon them, with our whole Force both by Land and Sea. But that which concerns us yet nearer in this League, is, that this Obligation of aſſiſtance was mutual, ſo that if a Diſturbance ſhould happen hereafter in *England*, upon any attempt to change our Religion or our Government, though it was in the time of his Majeſties Succeſſors, the Moſt Catholick King is obliged by this League, (which we are ſtill to believe was entred into, for the ſecurity of the Proteſtant Religion, and the good of the Nation) to give Aid to ſo Pious a Deſign, and to make War upon the People with all his Forces both by Land and Sea. And therefore it was no wonder that the Miniſters were not forward in ſhew-

ing this League to the Parliament, who would soon have observed all these Inconveniences, and have seen how little such a League could contribute to the preserving the General Peace, or to the Securing of *Flanders*, since the *French* King may within one Months time possess himself of it, and we by the League are not obliged to send our Succours till Three Months after the Invasion. So that they would upon the whole matter, have been inclined to suspect, that the main End of this League was only to serve for an handsome pretence to raise an Army in *England*, and if the people here should grow discontented at it, and any little Disorders should ensue, the *Spaniard* is thereby obliged to send over Forces to suppress them.

The next thing *recommended to them, was the farther Examination of the Plot*, and every one who has observed what has passed for more than two years together, cannot doubt that this was sincerely desired by such as are most in Credit with his Majesty, and then surely the Parliament deserved not to be censured upon this Account, since the Examination of so many new Witnesses, the Tryal of the Lord *Stafford*, the great preparations for the Tryals of the rest of the Lords, and their diligent Enquiry into the Horrid *Irish* Treasons, shew, that the Parliament wanted no Diligence to pursue his Majesties good Intentions in that Affair. And when *His Majesty desired from the Parliament their Advice and Assistance concerning the preservation of* Tangier, the Commons did not neglect to give it its due

Address presented 21. Dec. 1680.

due Consideration. They truly represented to him how that Important place came to be brought into *such Exigencies, after so vast a Treasure expended to make it useful*; and that nothing better could be expected of a Town, *for the most part put under* Popish *Governors*, and always fill'd with a *Popish Garrison*. These were Evils in his Majesty's own Power to redress, and they *advised him to it*; nor did they rest there, but promise to assist him in Defence of it, as soon as ever they could be reasonably secured, that any Supply which they gave for that purpose, should not be used *to Augment the Strength of our* Popish *Adversaries, and to encrease our Dangers at Home*. They had more than once seen money employed directly contrary to the end for which it was given by Parliament, and they had too good cause of Fear it might be so again; and they knew that such a misimployment would have been fatal at that time. But above all, they considered the eminent Danger which threatned them with certain Ruine at Home; and therefore justly thought that to leave the Consideration of *England* to provide for *Tangier*, would be to act like a Man that should send his Servants to mend a Gap in his Hedge when he saw his House on Fire, and his Family like to be consumed in it. We are next told, that his Majesty *Offered to concur in any Remedies that could be proposed for the Security of the Protestant Religion*, and we must own that he did indeed make such an *Offer*, but he was pleased to go no farther, for those Remedies which the Commons tendered were rejected, and those which they were

Address presented 29. Nov. 1680.

preparing, were prevented by a Diſſolution.

We have ſeen the great things which the King did on his part; let us now reflect on thoſe Inſtances which are ſingled out as ſo many *inſuitable Returns of the Commons.* They are complained of for preſenting *Addreſſes in the nature of Remonſtrances rather than Anſwers.* Under what unhappy Circumſtances do we find our ſelves, when our Repreſentatives can never behave themſelves with that Caution, but they will be miſ-interpreted at Court? If the Commons had return'd Anſwer to his Majeſty's Meſſages, without ſhewing upon what Grounds they proceeded, they had then been accuſed as men acting peremptorily, and without reaſon; if they modeſtly expreſs the reaſons of their Reſolutions, they are then ſaid to Remonſtrate. But what the Miniſters would have this word Remonſtrance ſignifie, what Crime it is they mean thereby, to charge the Commons with, is unknown to an *Engliſh* Reader. Perhaps they who are better Criticks, and more *French*-men, know ſome pernicious thing which it imports. If they mean by a Remonſtrance, a *declaring the Cauſes and Reaſons* of what they do, it will not ſurely be imputed as a Fault in them, ſince 'tis a way of proceeding which his Majeſty's Miniſters have juſtified by their own Example, having in his Majeſty's Name vouchſafed to *declare the Cauſes and Reaſons of his Actions* to his People.

But the Commons made *Arbitrary Orders for taking Perſons into Cuſtody, for matters that had no Relation to Priviledges of Parliament.* The Contrivers of this Declaration, who are ſo particular in other things,

things, would have done well to have given some instances of these Orders.

If they intend by these General Words, to reflect on the Orders made to take those degenerate Wretches into Custody, who published under their Hands their Abhorrence of Parliaments, and of those who in an humble and lawful manner Petitioned for their Sitting, in a time of such extream necessity. Surely they are not in good earnest, they cannot believe themselves, when they say, that *these Matters* had no *Relation to Priviledges of Parliament*, if the Priviledge of Parliament be concern'd when an injury is done to any particular Member, how much more is it touched, when men strike at Parliaments themselves, and endeavour to wound the very Constitution? If this be said with Relation to *Sheridon*, who has since troubled the World with so many idle impudent Pamphlets upon that account, 'tis plain that his Commitment was only in order to examine him about the Popish Plot, and his Endeavours to stifle it, (though his contemptuous Behaviour to the House, deserved a much longer Confinement) and 'twas Insolence in him to Arraign their Justice, because they did not instantly leave all their great Debates to dispatch the business relating to him.

Thompson of *Bristol*, was Guilty of divers great Breaches of Priviledge; but yet his Commitment was only in order to an Impeachment; and as soon as they had gone through with his Examination, they ordered him to be set at Liberty, giving Security to answer the Impeachment which they had Voted against him. But is it a

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thing so strange and new to the Authors of the Declaration, that the House of Commons should Order men to be taken into Custody for matters not relating to Priviledge? Have they not heard, that in the 4 *Edw.* 6. *Crickeroft* was Committed for Confederating in an Escape; that 18 *Jac.* Sir *Francis Michael* was Committed for Misdemeanors, in procuring a Patent for the Forfeitures of Recognizances, together with *Fowler*, *Gerrard*, and divers others, (none of which were Members of Parliament) that 20. *Jac.* Dr. *Harris* was taken into Custody for misbehaving himself in preaching; and that 3 *Car.* *Burgesse* was Committed for Faults in Catechizing, and *Levet* for presuming to exercise a Patent, which had been adjudged a Grievance by a Committee of the Commons in a former Parliament.

There would be no end of giving Instances of those Commitments, which may be observed in almost every Parliament, so that the House of Commons did but tread in the Steps of their Predecessors, and these sorts of Orders were not new, though the Declaration takes the Liberty to call them Arbitrary. The Commons had betrayed their Trust, if they had not asserted the Right of Petitioning, which had been just before shaken by such a *strange*, *Illegal*, and *Arbitrary Proclamation*.

But now we come to the transcendent monstrous Crimes, which can never be forgiven by the Ministers, the giving them their due Character, which every man of Understanding had fix'd upon them long before: the whole Current of their Councils being a full Proof of the

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Truth of the Charge. But what colour is there for calling these Votes illegal? It is illegal for the Commons to impeach persons, whom they have good reason to judge Enemies to the King and Kingdom? It is illegal to determin by a Vote (which is the only way of finding the Sence of the House) who are Wicked Counsellors, and deserve to be impeach'd? Could the Commons have called the Parties accused to make their Answer before themselves? Had they not a proper time for their Defence when they came to their Tryals, and might they not have cleared their Innocence much better, (if they durst have put that in Issue) by a Tryal, than a Dissolution of the Parliament? But should we grant that these Votes were not made in Order to an Impeachment, yet still there is nothing Illegal, nothing extraordinary in them. For the Commons in Parliament, have ever used two ways in delivering their Country from pernicious and powerful Favorites, the one is from a Parliamentary Course of Justice by impeaching them, which is used when they judge it needful to make them publick Examples, by Capital, or other high Punishments, for the terror of others: The other is by immediate Address to the King to remove them as unfaithful or unprofitable Servants. Their Lives, their Liberties or Estates are never endangered, but when they are proceeded against in the former of these ways. Then legal evidence of their Guilt is necessary, then there must be a proper time allowed for their defence. In the other way the Parliament Act as the Kings great Council, and when either

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House observe that Affairs are ill administred, that the advice of Parliaments is rejected or slighted, the Course of Justice perverted, our Councels betray'd, Greivances multiplyed, and the Government weakly and disorderly managed, (of all which our Laws have made it impossible for the King to be guilty.) They necessarily must, and always have charg'd those who had the Administration of Affairs, and the Kings Ear, as the Authors of these mischiefs, and have from time to time applyed themselves to him by Addresses for their Removal from his Presence and Councils. There be many things plain and evident beyond the Testimony of any Witnesses, which yet can never be proved in a legal way. If the King will hearken to none but two or three of his Minions, must we not conclude that every thing that is done comes from their Advice? And yet, if this way of representing things to the King were not allowed, they might easily frustrate the enquiries of a Parliament. It is but to whisper their Counsels, and they are safe. The Parliament may be busied in such great Affairs, as will not suffer them to pursue every Offender through a long Process, and besides there may be many reasons why a man should be turn'd out of a service, which perhaps would not extend to subject him to punishment. The People themselves are highly concern'd in the great Officers and Ministers of State, who are Servants to the Kingdom as well as to the King. And the Representatives of the People, the Commons, whose business it is to present all Greivances, as they are most likely to observe soonest the Folly and Treachery of those publick Servants,

vants, (the greateſt of all Greivances) ſo this Repreſentation ought to have no little weight with the Prince. This was underſtood ſo well by *H.* 4. a Wiſe and brave Prince, that when the Commons complain'd againſt four of his Servants and Councellors, deſiring they might be removed, he came into Parliament and there declared openly that though he knew nothing againſt them in particular, yet he was aſſured that what the Lords and Commons deſired of him, was for the good of himſelf and his Kingdom; and therefore he did comply with them, and baniſh'd thoſe four Perſons from his Preſence and Councils, declaring at the ſame time, that he would do ſo by any others who ſhould be near His Royal Perſon, if they were ſo unhappy to fall under the Hatred and Indignation of his People. The Records and Hiſtories of the Reigns of *Edward* the firſt, *Edw.* II. *Edw.* III. and indeed of all other ſucceeding Kings are full of ſuch Addreſſes as theſe; but no Hiſtory or Record can ſhew that ever they were called illegal or Un-Parliamentary till now.

Rot. Parl. 5. *H.* 4. *Nu.* 6.

Then the Miniſters durſt not appeal to the People againſt their own Repreſentatives, but ours at preſent have either got ſome new Law in the point, or have attained to a greater degree of Confidence, then any that went before them. The beſt of our Princes have with thanks acknowledged the Care and Duty of their Parliaments, in telling them of their Corruption and Folly of their Favourites. *E.* I. *E.* II. *H.* IV, *H.* V. and *Q. El.* never faild to do it, and no

Names

Names are remembred with greater Honour in the *English* Annals. Whilst the disorderly, the Troublesom and Unfortunate Reigns of *H.* III. *Ed.* II. *R.* II. and *H.* the VI. ought to serve as Land Marks to warn succeeding Kings from preferring secret Councels to the Wisdom of their Parliaments.

But none of the Proceedings of the House of Commons, have been more censured at Court, and with less Justice, then their Vote about the Anticipation of several Branches of the Revenue. An Objection which could proceed from nothing, but a total ignorance of the Nature of Publick Treasure in our own, and all other Nations, which was ever esteem'd Sacred, and Unalienable. All the Acts of resumption in the times of *H.* IV. *H.* VI. and other of our Kings were founded upon this Maxim, otherwise there could not be conceived any grosser injustice, than to declare Alienations to be void, which Kings had lawful power to make. It was upon this Maxim, that the Parliament declar'd the Grant to the Pope of the yearly sum of 1000 Marks, wherewith King *John* had charg'd the Inheritance of the Crown, to be Null. It was for this cause that in the Year 1670. His Majesty procured an Act of Parliament, to enable him to sell the Fee-Farm Rents, and it is the best excuse that can be made for those Ministers who in the year 1672. advised the postponing of all Payments to the Bankers out of the Exchequer, that they judged all securities by way of Anticipation of the Revenue, illegal and void in themselves.

Resumptions have been frequent in every King-

dom,

dom, the King of *Sweden* within these few Months has, by the Advice of the States, resumed all the Lands which his Predecessors had in many years before, Granted from the Crown. No Country did ever believe the Prince, how absolute soever in other things, had power to sell or give away the Revenue of the Kingdom, and leave his Successor a Beggar. All those Acts of the *Roman* Emperors whereby they wasted the Treasure of the Empire, were rescinded by their Successors; and *Tacitus* observes, that the first of them that look'd upon the publick Treasure as his own, was *Claudius*, the weakest and most sottish of them all. The present King of *France* did within these twelve years, by the consent of his several Parliaments, resume all the Demesns of the Crown, which had been Granted away by himself or his Predecessors. That haughty Monarch, as much power as he pretends to, not being asham'd to own that he wanted power to make such Alienations, and that Kings had that happy inability, that they could do nothing contrary to the Laws of their Country. This Notion seems founded in the reason of Mankind, since Barbarism it self cannot Efface it. The *Ottoman* Emperors dispose Arbitrarily of the Lives and Estates of their Subjects, but yet they esteem it the most detestable wickedness, to employ the Tributes and Growing Revenues of the Provinces, (which they call the Sacred blood of the People;)

Traitte des droits de la Reine.

Ont cette bien heureuse impuissance de ne pouvoir rien faire contre les Loys de leur Pais.

Postellus de Rebus Turcicis.

People;) upon any other than publick occaſions. And our Kings *H.* IV. and *H.* VII. underſtood ſo well the different power they had in uſing their private Inheritances and thoſe of the Crown, that they took care, by Authority of Parliament, to ſeparate the Dutchy of *Lancaſter* from the Crown, and to keep the deſcent of it diſtinct. But our preſent Courtiers are quite of another Opinion, who ſpeak of the Revenue of the Crown as if it were a private Patrimony, and deſign'd only for Domeſtick Uſes, and for the Pleaſures of the Prince.

The Revenues of the Crown of *England* are in their own nature appropriated to Publick Service, and therefore cannot without injuſtice be Diverted or Anticipated. For either the Publick Revenue is ſufficient to anſwer the neceſſary Occaſions of the Government, and then there is no colour for Anticipations, or elſe by an extraordinary Accident the King is reduced to want an extraordinary ſupply, and then he ought to reſort to his Parliament. Thus wiſely did our Anceſtors provide, that the King and his People ſhould have frequent need of one another, and by having frequent opportunities of mutually relieving one anothers wants, be ſure ever to preſerve a dutiful affection in the Subject, and a fatherly tenderneſs in the Prince. When the King had occaſion for the Liberality of his People, he would be well inclin'd to hear and redreſs their Grievances, and when they wanted eaſe from Oppreſſions they would not fail with alacrity to ſupply the occaſions of the Crown. And therefore it has ever been eſteem'd a Crime in Counſellors who perſwaded the King

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to Anticipate his Revenue, and a Crime in thoſe who furniſht Money upon ſuch Anticipations in an Extraordinary way, however extraordinary the Occaſion might be. For this cauſe it was that the Parliament in the 35th. of *H.* VIII. did not only diſcharge all thoſe Debts which the King had Contracted, but enacted that thoſe Lenders who had been before paid again by the King, ſhould refund all thoſe Sums into the Exchequer, as Judging it a reaſonable puniſhment, to make them forfeit the Money they lent, ſince they had gone about to introduce ſo Dangerous a Precedent.

The true way to put the King out of a *poſſibility of ſupporting the Government*, is to let him waſte in one Year that Money, which ought to bear the Charge of the Government for ſeven. This is the direct method to deſtroy the *Credit of the Crown, both Abroad and at Home.* If the King reſolve never to pay the Money which he borrows, what Faith will be given to Royal Promiſes, and the Honour of the Nation will ſuffer in that of the Prince, and if it muſt be put upon the People to repay it, this would be a way to impoſe a neceſſity of giving Taxes without end, whether they would or no. And therefore (as Mercenary as they were) the Penſioners would never diſcharge the Revenue of the Anticipations to the Bankers. Now the Commons having the inconvenience of this before their Eyes in ſo freſh an inſtance, and having their Ears fill'd with the daily cries of ſo many Widows and Orphans; were obliged in duty to give a Publick Caution

to the people, that they ſhould not run again into the ſame error. Not only becauſe they Judged all Securities of that kind abſolutely void, but becauſe they knew no future Parliament could without breach of Truſt repay that Money which was at firſt borrowed only to prevent the Sitting of a Parliament, and which could never be paid without Countenancing a Method ſo deſtructive to our Conſtitution. Nor have former Parliaments been leſs careful and nice, in giving the leaſt allowance to any unuſual ways of taking up Money, without Common Conſent, having ſo very often declar'd that the King cannot ſupply his moſt preſſing Neceſſities, either by Loans or by the Benevolence of his Subjects, which by the expreſs words of the Statute are damned and anulled for ever. But the Houſe of Commons were ſo Cautious of giving any juſt occaſion of Cavil, that they reſtrain'd their Votes much more than they needed to have done: For they extended them only to three Branches of the Revenue, all which were by ſeveral Acts of Parliament given to his preſent Majeſty. And ſurely every one will agree, that when the King receives a Gift from his People, he takes it under ſuch conditions, and ought to imploy it in ſuch a manner, and for ſuch purpoſes as they direct. We muſt therefore conſult the ſeveral Acts by which thoſe Branches were ſetled; if we would Judge rightly whether the Commons had not particular reaſons for what they did. The Statute 12 *Car.* 2. *c.* 4.

1 *R.* 3. *cap.* 2.

c. 4. says, That *the Commons repoſing Truſt in his Majeſty, for Guarding the Seas againſt all Perſons intending the diſturbance of Trade, and the Invading of the Realm, to that intent do give him the Tonnage and Poundage*, &c. This is as direct an Appropriation as Words can make, and therefore as it is manifeſt wrong to the Subject, to divert any part of this Branch to other uſes; So for the King to Anticipate it, is plainly to diſable himſelf to perform *the Truſt repoſed in Him.* And the late Long Parliament, thought this matter ſo clear, that about two Years before their Diſſolution, they paſſed a Vote with Relation to the Cuſtoms, in almoſt the ſame Words. The Parliament which gave the Exciſe, were ſo far from thinking, that the King had power to Charge or Diſpoſe of it as his own, that by a ſpecial Clauſe in the Act, whereby they give it, they were careful to *Impower him to diſpoſe of it, or any part of it by way of Farm*, and to Enact *that ſuch Contracts ſhall be effectual in Law, ſo as they be not for a longer time than three Years.* The Act, whereby the Hearth-money was given, declares, that it was done to the end, *that the Publick Revenue might be proportioned to the Publick Charge*, and 'tis impoſſible that ſhould ever be, whilſt it is liable to be Pre-ingag'd and Anticipated. And the Parliament were ſo careful to preſerve this Tax always clear and uncharg'd,

12 *Car.* 2. *c.* 4. *confirmd.* 31 *Car. c.* 7.

12 *Car.* 2. *c.* 23. *an.*

33 & 14. *Car. c.* 10.

charg'd, that they made it penal for any one ſo much as *to accept of any Penſion or Grant for years, or any other Eſtate, or any ſum of Money out of the Revenue ariſing by vertue of that Act, from the King, His Heirs or Succeſſors.* Surely if the Penners of this Declaration had not been altogether ignorant of our own Laws, and of the Policy of all other Countries and Ages they would never have Printed thoſe Votes, in hopes thereby to have expoſed the Commons to the World. They would not have had the face to ſay, that thereby the *King was Expoſed to Danger, deprived of a poſſibility of ſupporting the Government,* and *reduc'd to a more hepleſs condition than the meaneſt of his Subjects.* This we are ſure of, that if the inviolable obſerving of theſe Statutes, will reduce His Majeſty to a more helpleſs Condition, than the meaneſt of His Subjects, he will ſtill be left in a better condition than the Richeſt and Greateſt of his Anceſtors, none of which were ever Maſters of ſuch a Revenue.

The Houſe of Commons are in the next place accuſed of a very high Crime, the aſſuming to themſelves a power of ſuſpending Acts of Parliament, becauſe they declared that it was their Opinion, *That the proſecution of Proteſtant Diſſenters upon the penal Laws, is at this time grievous to the Subject, a weakning of the Proteſtant Intereſt, an incouragement to Popery, and dangerous to the Peace of the Kingdom.* The Miniſters remembered that not many years ago, the whole Nation was juſtly Alarm'd upon the aſſuming an Arbitrary power of ſuſpending penal Laws, and therefore they thought

thought it would be very popular, to accuſe the Commons of ſuch an Attempt. But how they could poſſibly miſinterpret a Vote at that Rate, how they could ſay the Commons pretended to a power of repealing Laws, when they only declare their Opinion of the inconveniency of them, will never be underſtood till the Authors of this are pleaſed to *ſhew their Cauſes and Reaſons* for it in a ſecond *Declaration*. Every impartial Man will own, that the Commons had reaſon for this opinion of theirs. They had with great anxiety obſerved that the preſent deſign of the Papiſts was not againſt any one ſort of Proteſtants, but univerſal, and for extirpating the Reformed Religion. They ſaw what advantages theſe Enemies made of our Diviſions, and how cunningly they diverted us from perſecuting them, by fomenting our jealouſies of one another. They ſaw the ſtrength and nearneſs of the King of *France*, and Judged of his inclinations by his uſage of his own Proteſtant Subjects. They conſidered the number, and the Bloody Principles of the *Iriſh*, and what Conſpiracies were form'd there, and even Ripe for Execution; and that *Scotland* was already delivered into the hands of a Prince, the known head of the Papiſts in theſe Kingdoms, and the occaſion of all their Plots and Inſolencies, as more than one Parliament had declared. They could not but take notice into what hands the moſt conſiderable Truſts both Civil and Military where put, and notwithſtanding all Adreſſes, and all Proclamations for a ſtrict Execution of the Penal Laws againſt Papiſts, yet their Faction ſo far prevailed that

they were eluded, and only the diſſenting Proteſtants ſmarted under the edge of them. In the midſt of ſuch circumſtances was there not cauſe to think an Union of all Proteſtants neceſſary, and could they have any juſt ground to believe that the Diſſenters, whilſt they lay under the preſſures of ſevere Laws, ſhould with ſuch Alacrity and Courage as was requiſite, undertake the defence of a Countrey where they were ſo ill treated? A long and ſad Experience had ſhewed, how vain the endeavours of former Parliaments had been to force us to be all of one Opinion, and therefore the Houſe of Commons reſolved to take a ſure way to make us of one Affection. They knew that ſome buſie Men would be ſtriking whilſt there were weapons at Hand, and therefore to make us live at Peace, they meant to take away all occaſions of provoking or being provoked. In order to a general Repeal of theſe Laws, they firſt came to a Vote declaring the neceſſity of it, to which there was not one Negative in the Houſe: A Vote of this nature does for the moſt part precede the bringing in of a Bill, for the Repeal of any General Law. And it had been a great preſumption in a particular Member to have asked leave, to have brought in a Bill for Repealing ſo many Laws together, till the Houſe had firſt declared that in their opinion they were *Grievous and inconvenient*. No *Engliſhman* could be ſo ignorant of our Laws, none but a *Frenchman* could have confidence to declaim againſt a proceeding ſo regular and Parlimentary as this. Where was the *diſregard to the Laws Eſtabliſhed*

bliſhed, for the Commons to attempt the abrogating of a Law that is *Grievous to the Subject, and dangerous to the Peace of the Kingdom? Is it a ſuſpending Acts of Par-liament*, if they declare a Law to be *Grievous and dangerous* in their *Opinion*, before they ſet about the Repeal of it? And is there any ground to doubt but that a Bill would have paſs'd that Houſe, purſuant to this Vote, had it not been prevented by a Diſſolution? Nor was there the leaſt direction or ſignification to *the Judges*, which might give any occaſion for the Reflection which follows in the Declaration. The due and impartial Execution of the Laws is the unqueſtionable Duty of the Judges, and we hope they will always remember that duty ſo well, as not to neceſſitate a Houſe of Commons to do theirs, by calling them to Account for making private Inſtructions the rule of their Judgments, and acting as men who have more regard to their Places than their Oaths. 'Tis too well known who it is that ſolicites and manages in favour of Judges, when a Houſe of Commons does demand Juſtice againſt them, for breaking their Oaths; And therefore the Publiſhers of this Declaration had ſaid ſomething well, if when they tell us the Judges ought not to break their Oaths in Reverence to the Votes of either Houſe, they had been pleaſed to add, not in reſpect of any Command from the King or Favourites. Then we ſhould have no more Letters from Secretaries of State to Judges ſitting upon the Bench. Then we ſhould have no more Proclamations like that of the 14th of 1662. Forbidding the Execution of

the Laws concerning High-ways. Nor that of the 10th of *May* 1672. Diſpenſing with divers clauſes in the Acts of Parliament for increaſeof Shipping; nor any more Declarations like that of the 15th of *March* 1672. Suſpending the Penal Laws in matters Eccleſiaſtical.

But the Judges are ſworn to execute all Laws, yet there is no obligation upon any man to inform againſt another. And therefore though the Miniſters prevented the Repeal of thoſe Laws, 'tis to be hoped that this Vote will reſtrain every Engliſh man from proſecuting Proteſtants, when ſo wiſe and great a body have declared the pernicious effects of ſuch a proſecution. 'Tis moſt true that in *England* no Law is abrogated by deſuetude, but it is no leſs true that there are many Laws ſtill unrepealed which are never Executed, nor can be without publick detriment. The Judges know of many ſuch dormant Laws, and yet they do not quicken the People to put them in Execution, nor think themſelves Guilty of Perjury that they do not, ſuch are the Laws for wearing Caps, for keeping Lent, thoſe concerning Bows and Arrows, about killing Calves, and Lambs, and many others. And thoſe who vex men by information on ſuch antiquated Laws, have been ever lookt upon as Infamous, and Diſturbers of the publick quiet. Hence it is that there are no Names remembred with greater deteſtation than thoſe of *Empſon* and *Dudley*, the whole Kingdom abhorred them as Monſters in the time of *H.* VII. and they were puniſhed as Traitors in the Reign of his Son.

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The alteration of the Circumſtances whereupon a Law was made, or if it be againſt the Genius of the People, or have effects contrary to the Intent of the Makers, will ſoon cauſe any Law to be diſuſed, and after a little diſuſe, the reviving of it will be thought Oppreſſion. Eſpecially if Experience has ſhewn that by the Non-Execution, the Quiet, the Safety and Trade of the Nation have been promoted; of all which, the Commons, who are ſent from every part of the Kingdom, are able to make the cleareſt Judgment. Therefore, after they have declared their Opinions of the Inconvenience of reviving the Execution of theſe Laws, which have lain aſleep for divers years, though the Judges muſt proceed, if any forward Informers ſhould give them the trouble, yet they would not act wiſely or honeſtly, if they ſhould encourage Informers, or quicken Juries by ſtrict and ſevere Charges. Eſpecially if it be conſidered that the Lords alſo were preparing Bills in favour of Diſſenters, and that the King has wiſhed often it was in his power to eaſe them. So that though there be no Act of Repeal formerly paſſed, we have the Conſent and Deſire of all, who have any ſhare in making Acts. But let this Vote have what Conſequence it will, yet ſure the Miniſters had forgot that the Black Rod was at the Door of the Houſe, to require them to attend His Majeſty at the very time when it was made, otherwiſe they would not have numbred it amongſt the Cauſes, *which occaſioned the King to part with that Parliament.* And thoſe that knew

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his Majeſty was putting on his Robes before that Vote paſſed, might imagine a Diſſolution thus foreſeen, might occaſion it, but cannot be brought to believe, that the Vote which was not in being, could occaſion the Diſſolution. Theſe are the *Proceedings* which the Miniſters judge *unwarrantable* in the Parliament at *Weſtminſter*, and for which they prevail with his Majeſty *to part with it*. But ſince it is evident upon Examination, that the Principles of our Conſtitution, the Method of Parliaments, and the Precedents of every Age, were their Guide and Warrant in all thoſe things; ſurely the King muſt needs be alike offended with the Men about him, for perſwading him to diſſolve that Parliament without any Cauſe; and for ſetting forth in his Name a Declaration of ſuch pretended Cauſe as every man almoſt ſees through, and contrived only to cover thoſe Reaſons which they durſt not own. But with what face can they object to the Houſe of Commons their *ſtrange illegal Votes, declaring divers eminent Perſons to be Enemies to the King and Kingdom*, when at the ſame time they arrogate to themſelves an unheard of Authority, to arraign one of the three Eſtates in the Face of the World, for *uſurping Power over the Laws, Impriſoning their Fellow Subjects Arbitrarily, expoſing the Kingdom to the greateſt Dangers, and endeavouring to deprive the King of all poſſibility of ſupporting the Government*, and all this without any order or proceſs of Law, without hearing of their Defence, and as much without any Reaſon as Preſident. We have had Miniſters heretofore ſo bold

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(yet ever with ill Succeſs) as to accuſe a pretended Factious Party in the Houſe, but never did any go ſo high as openly to repreſent the whole Houſe of Commons as a Faction, much leſs to cauſe them to be denounced in all the Churches of the Kingdom, that ſo the People might look upon it as a kind of Excommunication. But if they erred in the things they judged rightly in the Choice of the Perſons who were to publiſh it. Blind Obedience was requiſite, where ſuch unjuſtifiable things were impoſed, and that could be no where ſo entire, as amongſt thoſe Clergy Men, whoſe Preferment depended upon it. Therefore it was ordered that this Declaration ſhould be read by them, being pretty well aſſured that they would not unwillingly read in the Desk, a Paper ſo ſuitable to the Doctrine which ſome of them had often declared in the Pulpit. It did not become them to enquire whether they had ſufficient Authority for what they did, ſince the Printer called it the Kings Declaration, and whether they might not one day be called to account for publiſhing it; nor once to ask, if what his Majeſty ſingly ordered when he ſate in Council, and came forth without the Stamp of the Great Seal, gave them a ſufficient Warrant to read it publickly.

Clergy-men ſeldom make Reflections of this kind, leaſt they ſhould be thought to diſpute the Commands of their Superiors. It hath been obſerved, that they who allow unto themſelves the Liberty of Doubting, advance their Fortunes very ſlowly, whilſt ſuch who obey without ſcruple,

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go on with a Succeſs equal to their Ambition. And this carries them on without Fear or Shame, and as little thought of a Parliament, as the Court Favorites, who took care to diſſolve that at *Oxford*, before they durſt tell us the Faults of that at *Weſtminſter*.

We have already anſwered the Miſcarriages objected to the firſt, and may now take a view of thoſe imputed to the other, which they ſay *was Aſſembled as ſoon as that was Diſſolved*, and might have added *Diſſolved as ſoon as Aſſembled*. The Miniſters having employ'd the People forty days in chooſing Knights and Burgeſſes, to be ſent home in eight, with a Declaration after them, as if they had been called together only to be affronted. The Declaration doth not tell us of any gracious Expreſſions uſed at the opening of that Parliament, perhaps becauſe the Store was exhanſted by the abundance which his Majeſty was pleaſed to beſtow on them in his former Speeches. But we ought to believe that his Majeſties Heart was as full of them as ever, and if he did not expreſs them, it is to be imputed unto the Miniſters, who diverted him from his own Inclinations, and brought him to uſe a Language until that day, unknown unto Parliaments. The Gracious Speech then made, and the Gracious Declaration that followed, are ſo much of a piece, that we may juſtly conclude the ſame Perſons to have been Authors of both. However his Majeſty failed not to give good Advice unto them, who were called together to adviſe him. The Parliament had ſo much reſpect for their King, as

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not particularly to complain of the great Invaſion that was made upon their Liberty of propoſing and debating Laws, by his telling them beforehand what things they ſhould meddle with, and what things, no reaſons they could offer, ſhould perſwade him to conſent unto.

But every Man muſt be moved to hear it charged upon them as an unpardonable Diſobedience, that they did not obſequiouſly ſubmit to that irregular Command, of not touching on the Buſineſs of the Succeſſion. Shall two or three unknown Minions take upon them, like the Lords of the Articles of *Scotland*, to preſcribe unto an Engliſh Parliament what things they ſhall treat off? Do they intend to have Parliaments *inter inſtrumenta ſervitutis*, as the Romans had Kings in our Country? This would quickly be, if what was then attempted had ſucceeded, and ſhould be ſo purſued hereafter, that Parliaments ſhould be directed what they were to meddle with, and threatned if they do any other thing. For the loſs of Liberty of Freedom of debate in Parliament, will ſoon and certainly be followed by a general loſs of Liberty. Without failing, in the reſpect which all good Subjects owe unto the King, it may be ſaid that his Majeſty ought to diveſt himſelf of all private Inclinations, and force his own Affections to yield unto the publick Concernment: And therefore his Parliaments ought to inform him impartially, of that which tends to the good of thoſe they repreſent, without regard of perſonal Paſſions, and might worthily be blamed if they did not believe, that he would

would forgo them all for the ſafety of his People. Therefore, if in it ſelf it was lawful to propoſe a Bill for excluding the Duke of *York* from the Crown, the doing it after ſuch an unwarrantable ſignification of his Pleaſure, would not make it otherwiſe. And the unuſual Stifneſs which the King hath ſhown upon this occaſion, begins to be ſuſpected, not to proceed from any Fondneſs to the Perſon of his Brother, much leſs from any thought of Danger to the Engliſh Monarchy by ſuch a Law, but from the Influence of ſome few ill Men upon his Royal Mind, who being Creatures to the Duke, or Penſioners to *France*, are reſtleſs to prevent a good Underſtanding between the King and his People; juſtly fearing, that if ever he comes to have a true Sence of their Affections to him, he would deliver up to Juſtice theſe wicked Wretches, who have infected him with the fatal Notion, that the Intereſts of his People are not only diſtinct but oppoſite to his.

His Majeſty does not ſeem to doubt of his Power in conjunction with his Parliament, to exclude his Brother. He very well knows his Power hath been often exerted in the time of his Predeceſſors. But the Reaſon given for his Refuſal to comply with the Intereſts and Deſires of his Subjects, is, becauſe it was a *Point which concerned him ſo near in Honour, Juſtice and Conſcience.* Is it not Honorable for a Prince to be true and Faithful to his Word and Oath? To keep and maintain the Religion and Laws eſtabliſhed? Nay, can it be thought diſhonorable unto him,

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to love the Safety and Welfare of his People, and the true Religion eſtabliſhed among them, above the Temporal Glory and Greatneſs of his perſonal Relations? Is it not juſt, in conjunction with his Parliament, for his Peoples Safety, to make uſe of a Power warranted by our Engliſh Laws, and the Examples of former Ages? Or is it juſt for the Father of his Country, to expoſe all his Children to ruine, out of Fondneſs unto a Brother? May it not rather be thought unjuſt to abandon the Religion, Laws and Liberties of his People, which he is ſworn to maintain and defend, and expoſe them to the Ambition and Rage of one that thinks himſelf bound in Conſcience to ſubvert them? If his Majeſty is pleaſed to remember what Religion the Duke profeſſeth, can he think himſelf obliged in *Conſcience*, to ſuffer him to aſcend the Throne, who will certainly endeavour to overthrow it, and ſet up the worſt of Superſtitions and Idolatry in the room of it? Or if it be true, that all Obligations of Honour, Juſtice and Conſcience, are comprehended in a grateful Return of ſuch Benefits as have been received, can his Majeſty believe that he doth duly repay unto his Proteſtant Subjects, the Kindneſs they ſhewed him, when they recalled him from a miſerable helpleſs Baniſhment, and with ſo much dutiful Affection, placed him in the Throne, enlarged his Revenue above what any of his Predeceſſors had enjoyed, and gave him vaſter Sums of Money in twenty years, than had been beſtowed upon all the Kings ſince *William* the Firſt; ſhould he af-

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ter all this deliver them up to be ruin'd by his Brother? It cannot be said that he had therein more regard unto the Government, than to the person, seeing it is evident the Bill of Exclusion had no ways prejudiced the legal Monarchy, which his Majesty doth now enjoy with all the Rights and Powers which his wise and brave Ancestors did ever claim, because many Acts of the like nature have passed heretofore upon less necessary occasions.

The preservation of every Government depends upon an exact adherence unto it's *Principles*, and the essential *Principle* of the *English Monarchy*, being that well proportioned Distribution of *Powers*, whereby the Law doth at once provide for the Greatness of the King, and the Safety of the *People*; the Government can subsist no longer, than whilst the Monarch enjoying the *Power* which the Law doth give him, is enabled to perform the part it allows unto him and the *People* are duly protected in their Rights and Liberties. For this reason our Ancestors have been always more careful to preserve the Government inviolable, than to favour any personal pretences, and have therein conformed themselves to the practice of all other Nations, whose Examples deserve to be followed. Nay we know of none so slavishly addicted unto any Person or Family, as for any reason whatsoever, to admit of a Prince who openly professed a Religion contrary to that which was established amongst them. It were easie to alledge multitude of Examples of those who have rejected Princes for reasons of far less weight than

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difference in Religion, *as Robert* of *Normandy*, *Charles* of *Lorrain*, *Alphonſo* a *Deſheradado* of *Spain*; but thoſe of a latter Date, againſt whom there was no other Exception than for their Religion, ſuiteth better with our Occaſion. Among whom, it is needleſs to name *Henry* of *Bourbon*, who, though accompliſhed in all the Vertues required in a Prince, was by the general Aſſembly of the Eſtate at *Blois*, declared uncapable of Succeſſion to the Crown of *France*, for being a Proteſtant. And notwithſtanding his Valor, Induſtry, Reputation and Power increaſed by gaining four great Battels, yet he could never be admitted King, till he had renounced the Religion that was his Obſtacle. And *Sigiſmund*, Son of *John* of *Sweden*, King of that Country by Inheritance, and of *Poland* by Election, was deprived of his Hereditary Crown, and his Children diſinherited, only for being a Papiſt, and acting conformably to the Principles of that Religion, though in all other reſpect he deſerved to be a King, and was moſt acceptable unto the Nation.

But if ever this Maxim deſerved to be conſidered, ſurely it was in the Caſe of the Duke of *York*. The Violence of his natural Temper is ſufficiently known; his Vehemence in exalting the Prerogative (in his Brothers time) beyond its due bounds and the principles of his Religion, which carry him to all imaginable Exceſſes of Cruelty, have convinced all mankind that he muſt be excluded, or the Name of King being left unto him, the Power put into the Hands of another. The Parliament therefore conſidering this, and

obſerving the precedents of former Ages, did wiſely chooſe rather to exclude him, than to leave him the Name, and place the Power in a Regent. For they could not but look upon it as Folly, to expect that one of his Temper, bred up in ſuch principles in politicks, as made him in love with Arbitrary Power, and bigotted in that Religon, which always propagates it ſelf by Blood, would patiently bear theſe Shackles, which would be very diſguſtful unto a Prince of the moſt meek Diſpoſition. And would he not thereby have been provoked to the utmoſt Fury and Revenge, againſt thoſe who laid them upon him? This would certainly have bred a Conteſt, and theſe Limitations of power propoſed to keep up the Government, muſt unavoidably have deſtroyed it, or the Nation (which Neceſſity would have forced into a War in its own natural Defence) muſt have periſhed either by it or with it. The Succeſs of ſuch Controverſies are in the Hand of God, but they are undertaken upon too unequal Terms, when the People by Victory can gain no more, than what without hazard may be done by Law, and would be ruined if it ſhould fall out otherwiſe. The Duke with Papiſts might then make ſuch a Peace, as the *Romans* are ſaid to have made once in our deſolated Country, by the Slaughter of all the Inhabitants able to make War, *& ubi ſolitudinem faciunt, pacem appellant.* This is the happy State they preſent unto us, who condemn the Parliament for bringing in a Bill of Excluſion. This is the way to have ſuch a Peace

Tacit.

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as the *Spaniards*, for the propagation of the Gospel, made in the *West-Indies*, at the Instigation of the Jesuits, who governed their Councels. And seeing they have the Duke no less under their power and Directions, we may easily believe they would put him upon the same Methods. But as it is not to be imagined, that any Nation that hath Vertue, Courage and Strength equal unto the *English*, will so tamely expect their Ruine, so the passing a Bill to exclude him may avoid, but cannot (as the Declaration phrases it) establish a War. But if there must be a War, let it be under the Authority of Law, let it be against a banished excluded Pretender. There is no fear of the Consequence of such a War. No true English Man can joyn with him, or countenance his Usurpation after this Act; and for his popish and forraign Adherents, they will neither be more provoked, nor more powerful by the passing of it. Nor will his Exclusion make it at all *necessary to maintain a standing Force, for preserving the Government, and the Peace of the Kingdom.* The whole People will be an Army for that purpose, and every Heart and Hand will be prepared to maintain that so necessary, so much desired Law. A Law, for which three Parliaments have been so earnest with his Majesty, not only in pursuance of their own Judgments, but by the Direction of those that sent them. It was the universal Opinion of the Papists, that *Mary* Queen of *Scots*, was excluded only by an Act of Parliament, and yet we see Queen *Elizabeth* Reigned gloriously and peacea-

bly forty years, without any ſtanding force. But our Miniſters do but diſſemble with us, when they pretend to be ſo much afraid of a ſtanding Army. We know how eagerly they have deſired, and how often they attempted to eſtabliſh one. We have ſeen two Armies raiſed with no other deſign, as has been ſince undeniably proved, and one of thoſe they were ſo loath to part with, that more than one Act of Parliament was neceſſary to get it disbanded. And ſince that, they have increaſed the Guards to ſuch a degree, that they are become a formidable ſtanding force. A thing ſo odious to a free People, that the raiſing one ſingle Regiment in *Spain*, within theſe ſix years, under colour of being a guard for the Kings Perſon, ſo inflamed the Nation, that a Rebellion had enſued, if they had not been disbanded ſpeedily. The Nobility and Gentry of that Kingdom, looking upon themſelves as their Kings natural Guard, ſcorned that ſo honorable a Name ſhould be given to Mercenaries.

But as his Majeſty was perſwaded to reſolve againſt the expedient propoſed, to ſecure our peace by excluding the Duke, ſo it is evident that nothing was intended by thoſe other ways, which were darkly and dubiouſly intimated in His Majeſties Speech unto the Parliament at *Oxford*, and repeated in the Declaration; and His Majeſty in his Wiſdom could not but know that they ſignified nothing. And thoſe who ſpake more plainly in propoſing a Regency as an expedient, did in publick and private declare, they believed

believed the Duke would not conſent unto it, nor unto any unuſual reſtriction of the Royal Power. So that they could have no other deſign therein, than a plauſible pretence to delude the Parliament and People. Some ſuch conſideration induced them to revive the diſtinction between the Kings perſonal and politick capacity, by ſeparating the power from the Perſon, which we have reaſon to believe they eſteemed unfeaſable. However it is more than probable that the *Jeſuites*, *Caſuiſts*, and Popiſh Lawyers would reject it, as well as any thing elſe that might preſerve us from falling under his Power. And the *Pope* who could abſolve King *John*, *Henry* the Third and others, from the Oaths they had taken, to preſerve the Rights and Liberties of their Subjects, might with the ſame facility diſſolve any that the Duke ſhould take. And as our Hiſtories teſtifie what bloody Wars were thereby brought upon the Nation, we have reaſon to believe, that if the like ſhould again happen, it would be more fatal unto us, when Religion is concerned which was not then in queſtion. Would not his *Confeſſor* ſoon convince him, that all Laws made in favour of Hereſie are void? And would he not be liable to the heavieſt Curſes, if he ſuffered his power to be uſed againſt his Religion? The little regard he hath to Laws whilſt a Subject, is enough to inſtruct us what reſpect he would bear to them, if he ſhould be a King. Shall we therefore ſuffer the Royal Dignity to deſcend on him, who hath made uſe of all the Power, he has been

entruſted with hitherto, for our deſtruction? And who ſhall execute this great Truſt? The next Heir may be an Infant, or one willing to ſurrender it into his hands. But ſhould it be otherwiſe, yet ſtill there is no hope of having any fruit of this expedient without a War, and to be obliged to ſwear Allegiance to a Popiſh Prince, to own his Title, to acknowledge him Supream Head of the Church, and defender of the Faith, ſeems a very ſtrange way of Entitling our ſelves to fight with him.

The two reaſons which the Declaration pretends to give againſt the Excluſion, are certainly of more force againſt the Expedient. *A ſtanding Force* would have been abſolutely *neceſſary*, to have placed and kept the *Adminiſtration in Proteſtant hands*; *and the Monarchy it ſelf had been deſtroyed by a Law*, which was to have taken all ſort of Power from the King, and made him not ſo much as a *Duke of Venice*. How abſurdly and incoherently do theſe Men diſcourſe? ſometime the Government is ſo Divine a thing, that no human Law can leſſen or take away his Right, who only pretends in Succeſſion, and is at preſent but a Subject. But at other times they tell us of Acts of Parliament to baniſh him out of his own Dominions, to deprive him of all power, of his whole Kingſhip after he ſhall be in poſſeſſion of the Throne. The cheat of this expedient appeared ſo groſs in the Houſe of Commons, that one of the Dukes profeſſed Vaſſals, who had a little more Honour than the reſt, was aſham'd of it, and openly renounced the project which they

they had been forming ſo long, and thought they had ſo Artificially diſguiſed. But though it was ſo well expoſed in the Houſe, yet the Miniſters thought the men without doors might be ſtill deceived, and therefore they do not bluſh to value themſelves again upon it in their Declaration.

As for the inſinuation which follows, that there was reaſon to believe that *the Parliament would have paſſed further to attempt other great and important Changes at preſent.* If it be meant any change of the Conſtitution of the Government, 'tis a malicious ſuggeſtion of thoſe Men, who are ever inſtilling into his Majeſties Mind ill thoughts of his Parliament, ſince no Vote nor Propoſition in either Houſe could give any ground for ſuch ſuſpicion, and therefore in this matter the People may juſtly accuſe the Court, (who ſo often cry out againſt them for it) of being mov'd by cauſeleſs Fears and Jealouſies. And for His Majeſty to be perſwaded to Arraign the whole Body of his People, upon the ill grounded ſurmiſes, or malicious and falſe ſuggeſtions of evil and corrupt men about him, doth neither well become the Juſtice of a Prince, nor is agreeable to the meaſures of Wiſdom, which he ſhould Govern himſelf, as well as Rule his People by. And if an attendance to the ſlanderous accuſations of Perſons, who hate Parliaments, becauſe their Crimes are ſuch that they have reaſon to fear them, govern and ſway his Royal Mind, there can never want grounds for the Diſſolution of any Parliaments. But if they mean *by attempt-*

ing great and important Changes, that they would have beſought His Majeſty, that the Duke might no longer have the Government in his hands, that his dependents ſhould no longer preſide in his Councils, no longer poſſeſs all the great Truſts and Offices in the Kingdom, that our Ports, our Garriſons, and our Fleets ſhould be no longer governed by ſuch as are at his Devotion, that Characters of Honour and Favour ſhould be no longer plac'd on Men, that the Wiſdom of the Nation hath judged to be Favourers of Popery, or Penſioners of *France*. Theſe were indeed *great and important Changes*, but ſuch as it becomes Engliſh-men to believe were deſigned by that Parliament. Such as will be deſigned and preſt for by every Parliament and ſuch as the People will ever pray, may at laſt find ſucceſs with the King. Without theſe *Changes*, the Bill of Excluſion would only provoke, not diſarm our Enemies, nay the very Money which we muſt have paid for it, would have been made uſe of to ſecure and haſten the Dukes return upon us.

We are now come to the conſideration of that only fault which was peculiar to the Parliament at *Oxford*, and that was their behaviour in Relation to the buſineſs of *Fitz-Harris*. The Declaration ſays, *he was impeached of High-Treaſon by the Commons*, and they had cauſe to think his Treaſons to be of ſuch an extraordinary Nature, that they well deſerved an Examination in Parliament. For *Fitz Harris* a known *Iriſh* Papiſt appear'd by the Informations given in the Houſe, to be made uſe of by ſome very great perſons

perſons to ſet up a counterfeit Proteſtant Conſpiracy, and thereby not only to drown the noiſe of the Popiſh Plot, but to take off the Heads of the moſt eminent of thoſe, who ſtill refuſed to bow their Knees to *Baal*. There had been divers ſuch honeſt Contrivances before, which had unluckily fail'd, but the principal Contrivers avoided the Diſcovery, as the others did the puniſhment; in what manner, and by what helps, the whole Nation is now pretty ſenſible. Being warned by this experience they grew more cautious than ever, and therefore that the Treaſon which they were to ſet on Foot, might look as unlike a Popiſh Deſign as was poſſible, they fram'd a Libel full of the moſt bitter Invectives againſt Popery and the Duke of *York*, it carried as much ſeeming zeal for the *Proteſtant Religion*, as *Coleman's Declaration*, and as much care and concern for our Laws, as the *Penners* of this *Declaration* would ſeem to have. But it was alſo filled with the moſt ſubtile inſinuations, and the ſharpeſt expreſſions againſt His Majeſty that could be invented, and with direct and paſſionate Incitements to Rebellion. This Paper was to be conveyed by unknown Meſſengers, to their hands who were to be betray'd, and then they were to be ſeized upon, and thoſe Libels found about them, were to be a confirmation of the Truth of a Rebellion, which they had provided Witneſſes to ſwear was deſigned by the Proteſtants, and had before prepared men to believe by private Whiſpers. And the credit of this Plot ſhould no doubt have been ſoon confirmed, by ſpeedy Juſtice done upon the pretended

pretended Criminals. But as well laid as this Contrivance ſeems to be, yet it ſpoke it ſelf to be of a *Popiſh* Extraction. 'Tis a Policy the Jeſuits have often uſed, to divert a Storm which was falling upon themſelves. Accordingly heretofore they had prepared both Papers and Witneſſes, to have made the *Puritans* guilty of the Gunpowder Treaſon, had it ſucceeded as they hoped for.

The hainous nature of the Crime, and the greatneſs of the Perſons ſuppoſed to be concern'd, deſerved an extraordinary Examination, which a Jury, who were only to enquire whether *Fitz Harris* was guilty of framing that Libel, could never make; and the Commons believed none but the Parliament was big enough to go through with. They took notice that the Zeal or Courage of Inferiour Courts was abated, and that the Judges at the Trial of *Wakeman* and *Gaſcoign* (however it came to paſs) behaved themſelves very unlike the ſame Men they were, when others of the Plotters had been Tried. They had not forgot another Plot of this nature diſcovered by *Dangerfield*, which though plainly proved to the Council, yet was quite ſtifled by the great diligence of the Kings Bench, which rendred him as an Incompetent Witneſs. Nor did they only fear the pervertion of Juſtice, but the Miſapplication of Mercy too. For they had ſeen that the Mouths of *Gadbury* and others, as ſoon as they began to confeſs, were ſuddainly ſtopt by a Gracious Pardon. And they were more Jealous than ordinary in this caſe, becauſe when *Fitz Harris* was inclined to Repentance and had begun a Confeſ-

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ſion, to the ſurprize of the whole Kingdom, without any viſible cauſe, he was taken out of the lawful Cuſtody of the Sheriffs, and ſhut up a cloſe Priſoner in the *Tower*. The Commons therefore had no other way to be ſecure that the Proſecution ſhould be effectual, the Judgment indifferent, and the Criminal out of all hopes of a Pardon (unleſs by an Ingenuous Confeſſion he could engage both Houſes in a powerful Mediation to His Majeſty in his behalf) but by Impeaching of him. They were ſure no Pardon could ſtop their ſuit, though the King might releaſe his own Proſecution by his Pardon.

Hitherto the Proceedings of the Commons in this buſineſs could not be liable to Exception, for that they might lawfully Impeach any Commoner before the Lords, was yet never doubted. The Lords themſelves had agreed that point, when the day before they had ſent down the Plea of Sir *William Scroggs* to an Impeachment of Treaſon, then depending before them. And they are men of ſtrange Confidence, who at this time of day take upon them to deny a Juriſdiction of the Lords, which hath been practiſed in all times without controul, and ſuch a Fundamental of the Government, that there could be no ſecurity without it; Were it otherwiſe, it would be in the power of the King, by making Commoners Miniſters of State, to ſubvert the Government by their Contrivances when he pleaſed. Their greatneſs would keep them out of the reach of ordinary Courts of Juſtice, and their Treaſons might not perhaps be within the Statutes, but ſuch as fall under

under the Cogniſance of no other Court than the Parliament; and if the People might not of Right demand Juſtice there, they might without fear of puniſhment, act the moſt deſtructive Villanies againſt the Kingdom.

As a Remedy againſt this Evil, the *Mirror of Juſtice* tells us, that *Parliaments, were ordained to hear and determine all Complaints of wrongful Acts, done by the King, Queen, or their Children, and ſuch others, againſt whom common Right cannot be had elſewhere.* Which as to the King, is no otherwiſe to be underſtood, than that if he err by illegal perſonal Commands or Orders, he is to be admoniſhed by Parliament, and addreſſed unto for Remedy, but all others being but Subjects, are to be puniſhed by Parliaments, according to the Laws of Parliaments.

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If the Ends were well conſidered, for which Parliaments were ordained, as they are declared in the Statute; *Item, for maintenance of the ſaid Articles and Statutes,* (*viz.* Magna Charta, &c.) a Parliament ſhall be holden every year, by them as well as by the foregoing ancient Authority, none could be deceived by the Parliament, *Rot. Parl.* 4. *Ed.* 3. *Nu.* 6. Where it is mentioned as accorded between the King and his Grands (that is, his Lords) that Judgment of Death, given by the Peers againſt Sir *Simon de Beresford, Matrever,* and others, upon the Murther of King *Edward* the Second, and his Uncle, ſhould not be drawn into Example, whereby the Peers might

36. *Ed.* 3. 10.

Rot. Parl. 4. *Ed.* 3. *Nu.* 6.

be charged to judge others than their Peers, *contrary to the Law of the Land, if ſuch a Caſe ſhould happen.* For whereas from this Record, ſome would perſwade us that the Lords are diſcharged from judging Commoners, and that our Ancient Government is alter'd in this caſe by that Record, which they ſay is an Act of Parliament. The ſtile and form of it is ſo different from that which is uſed in Acts of Parliament, that many are inclined to believe it to be no other thing, than an agreement between the King and the Lords. But to remove all future ſcruples in the caſe, let it be admitted to be an Act of Parliament, and if there be nothing accorded in it, to acquit the Lords from trying Commoners Impeached before them by the Commons in Parliament, then we hope that ſhame will ſtop their Mouths, who have made ſuch a noiſe againſt the Commons with this Record.

Firſt, It is evident from the Roll it ſelf with other Records, that the Lords did judge thoſe Commoners contrary to the Law of the Land, that is, at the inſtance of the King, and the Proſecution of their Enemies, without the due courſe of the Law; or calling them to make their defence, and (for ought appears) without Legal Teſtimony.

Secondly, It is evident, that they were driven upon this Illegal Proceeding, by the Power and Authority of the King, and ſome Proſecutors, who earneſtly preſſed the Lords thereunto, upon pretence of ſpeedily avenging the Blood of the former King and his Uncle. So that the judg-

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ment was given at the Kings Suit, in a way not warranted by the Law and Cuſtom of Parliament, or any other Law of the Kingdom. Surely when the Lord's Blood was ſuffered to cool, they had reaſon to deſire ſomething might be left upon Record, to preſerve them for the future from being put upon ſuch ſhameful work, though ſuch a caſe as the Murder of a King ſhould again happen, as it ſeems they did not fear to be preſſed in any other, ſo to violate the Laws.

But *Thirdly*, There is not a word in the Record, that imports a reſtriction of that lawful Juriſdiction, which our Conſtitution placeth in the Lords to try Commoners, when their caſes ſhould come before them lawfully, at the ſuit of the Commons by Impeachment. There is no mark of an intention to change any part of the ancient Government, but to provide againſt the violation of it, and that the Law might ſtand as before notwithſtanding the unlawful Judgment they had lately given. So that the Queſtion is ſtill the ſame, whether by the Law of the Land, that is, the Law and Cuſtom of Parliament, or any other Law, the Lords ought to try Commoners Impeached by the Commons in Parliament, as if that Record had never been. And we cannot think that any Man of ſence, will from that Record make an Argument in this point, ſince it could be no better than to infer, that becauſe the Lords are no more to be preſſed by the King, or at his Suit, to give Judgment againſt Commoners contrary to the Law of the Land, when they are not Impeached in Parliament, therefore they muſt give no Judg-

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ment againſt them at the ſuit of the Commons in Parliament, when they are by them Impeached, according to the Laws and Cuſtoms of Parliament. But if ſuch as delight in theſe Cavils, had ſearched into all the Records relating unto that of the 4 *Edward* 3. *Rot. Parl.* They might have found in the 19 *Edw.* 3. 19 of the ſame King, a Writ *M.* 18. iſſued out to ſuſpend the Execution of the Judgment againſt *Matrevers*, becauſe it had been illegally paſſed. And the chief reaſon therein given, is, that he had not been Impeached, and ſuffered to make his defence. But it was never ſuggeſted nor imagined, that the Lords who judged him, had no Juriſdiction over him becauſe he was a Commoner, or ought not to have exerciſed it, if he had been Impeached. Nor was it pretended, that by *Magna Charta* he ought to have been tried only by his Peers; the Law of the Land therein mentioned, and the Laws and Cuſtoms of Parliaments, being better known, and more reverenced in thoſe days, than to give way to ſuch a miſtake. They might alſo have found by another Record of the 26 of the ſame King, that by *Rot. Parl.* undoubted Act of Parliament 25 *Edw.* 3. *Matrevers* was pardon'd, and the *M.* 25. Judgment is therein agreed by the Lords and Commons to have been illegal, and unjuſtly paſſed by the violent Proſecution of his Enemies, but it is not alledged that it was *coram non judice*, as if the Lords might not have Judged him, if the Proceedings before them had been

been legal. But as the Sence, and Proceedings of all Parliaments, have ever been beſt known by their practice, The Objectors might have found by all the Records ſince the 4 *Edw.* 3. that Commoners, as well as *L*ords; might be, and have been Impeached before Lords, and judged by them to Capital or other Puniſhments, as appears undeniable to every man that hath read our Hiſtories or Records. And verily the concurrent ſence and practice of Parliaments for ſo many Ages, will be admitted to be a better Interpretation of their own Acts, than the ſenſe that theſe Men have lately put upon them to encreaſe our Diſorders. But to ſilence the moſt malicious in this point, let the famous Act of the 25 of *Edw.* 3. be conſidered, which hath ever ſince limited all Inferiour Courts in their Juriſdiction, unto the Trial of ſuch Treaſons only as are therein particularly ſpecified, and reſerved all other Treaſons to trial and judgment of Parliament. So that if any ſuch be committed by Commoners, they muſt be ſo tried, or not at all. And if the laſt ſhould be allowed, it will follow that the ſame Fact which in a Peer is Treaſon, and puniſhable with Death, in a Commoner is no Crime, and ſubject to no puniſhment.

Nor doth *Magna Charta* confine all Trials to common Juries, for it ordains that they ſhall be Tryed by *the Judgment of Peers, or by the Law of the Land.* And will any man ſay the Law of Parliament is not the Law of the Land? Nor are theſe words in *Magna Charta* ſuperfluous or inſignificant, for then there would be no Tryal before the

the *Conſtable* or *Marſhal*, where is no Jury at all. There could be no Tryal of a Peer of the Realm upon an Appeal of Murder, who according to the Law, *Co. 2. Inſt.* 29. ought in ſuch Caſes to be tryed by a common Jury and not by his Peers. And ſince the Records of Parliaments are full of Impeachment of Commons, and no inſtance can be given of the rejection of any ſuch Impeachment, it is the Commons who have reaſon to cite *Magna Charta* upon this occaſion, which provides expreſly againſt the denyal of Juſtice. And indeed it looks like a denyal of Juſtice, when a Court that hath undoubted Cogniſance of a Cauſe regularly brought before them, ſhall refuſe to hear it. But moſt eſpecially, when (as in this caſe) the Proſecutors could not be ſo in any other Court, ſo as a final ſtop was put to their ſuit, though the Lords could not judicially know, whether any body elſe would proſecute elſe-where.

This proceeding of the Lords looks the more odly, becauſe they rejected the Cauſe, before they knew as Judges what it was, and *referred it to the ordinary Courſe of Law*, without ſtaying to hear, whether it were a matter whereof an inferior Court could take Cogniſance. There are Treaſons which can only be adjudged in Parliament, and if we may collect the ſenſe of the Houſe of Commons from their debates, they thought there was a mixture of thoſe kind of Treaſons in *Fitz-Harris's* Caſe. And therefore there was little reaſon for that ſevere ſuggeſtion, *that the Impeachment was only deſigned to delay a Tryal*, ſince a compleat

pleat examination of his Crime could be had no where but in Parliament. But it ſeems ſomewhat ſtrange, *that the delaying of a Tryal, and that againſt a profeſſed Papiſt charged with Treaſon, ſhould be a matter ſo extremely ſenſible*: For might it not be well retorted by the People, that it had been long *a matter extreamly ſenſible to them*, that ſo many Prorogations, ſo many Diſſolutions, ſo many other Arts had been uſed to delay the Trials, which His Majeſty had often deſired, and the Parliament prepared for againſt five profeſſed *Popiſh Lords charged with Treaſons of an extraordinary nature*. But above all, that it was a matter *extreamly ſenſible* to the whole Kingdom, to ſee ſuch Un-Parliamentary and mean Solicitations, uſed to promote this pretended Rejection of the Commons Accuſation, as are not fit to be remembred. 'Tis there that the *delay of the Tryal is to be laid*; for had the impeachment been proceeded upon, and the Parliament ſuffered to Sit, *Fitz-Harris* had been long ſince executed, or deſerved Mercy by a full Diſcovery of the ſecret Authors of theſe malicious deſigns againſt the King and People. For though the Declaration ſays a *Tryal was directed*, yet we are ſure nothing was done in order to it, till above a month after the Diſſolution. And it hath ſince raiſed ſuch queſtions, as we may venture to ſay, were never talk't of before in *Weſtminſter Hall*. Queſtions which touch the judicature of the Lords, and the Priviledges of the Commons in ſuch a degree, that they will never be determined by the deciſion of any inferior Court, but will aſſuredly at one time or other have a farther Examination.

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We have ſeen now that the Commons did it not without ſome ground, when *they* Voted *the Refuſal of the Lords to proceed upon an Impeachment, to be a denial of Juſtice, and a violation of the Conſtitution of Parliaments*; and the ſecond Vote was but an application of this Opinion to the preſent caſe. The third Vote made upon that occaſion, was no more than what the King himſelf had allowed, and all the Judges of *England* had agreed to be Law, in the caſe of the five impeached Lords, who were only generally impeached, and the Parliament Diſſolved, before any Articles were ſent up againſt them. Yet they had been firſt indicted in an inferior Court, and Preparations made for their Tryal, but the Judges thought at that time, that a proſecution of all the Commons was enough to ſtop all proſecutions of an inferior Nature. The Commons had not Impeached *Fitz-Harris*, but that they judged his caſe required ſo publick an Examination, and for any other Court to go about to try and condemn him, tho it ſhould be granted to be of another Crime, is as far as in them lies to ſtifle that Examination.

By this time every man will begin to queſtion, whether *the Lords did themſelves, or the Commons Right, in the refuſing to countenance ſuch a proceeding.* But one of the Pen-men of this Declaration has done himſelf and the Nation Right, and has diſcovered himſelf by uſing his ordinary phraſe upon this occaſion. The Perſon is well known without naming him, who always tells men they have done themſelves no Right, when he is reſolved to do them none. As for the Commons, nothing was

carried on to extremity by them, nothing done but what was Parliamentary? They could not deſire a conference, till they had firſt ſtated their own caſe, and aſſerted by Votes the matter which they were to maintain at a conference. And ſo far were thoſe Votes from putting the Two Houſes *beyond a poſſibility of Reconciliation*, that they were made in order to it, and there was no other way to attain it. And ſo far was the Houſe of Commons from thinking themſelves to be out of a capacity of tranſacting with the Lords any farther, that they were preparing to ſend a Meſſage for a conference to accommodate this difference, at the very inſtant that the Black Rod called them to their Diſſolution. If every difference in Opinion or Vote, ſhould be ſaid to put the two Houſes out *of capacity of tranſacting buſineſs together*, every Parliament almoſt muſt be diſſolved as ſoon as called. However our Miniſters might know well enough, that *there was no poſſibility of Reconciling the Two Houſes*, becauſe they had before reſolved *to put them out of a capacity of tranſacting together by a ſuddain Diſſolution*. But that very thing juſtifies the Commons to the world, who cannot but perceive that there was ſolemn and good ground for them to deſire an inquiry into *Fitz Harris*'s Treaſon, ſince they who influence our Affairs were ſo ſtartled at it, that in order to prevent it, they firſt promoted this difference between the two Houſes, and then broke the Parliament leſt it would be compoſed.

There is another thing which muſt not be paſt over without obſervation, that the Miniſters in this Paper take upon them to decide this great diſpute between

between the two Houſes, and to give judgment on the ſide of the Lords. We may well demand what Perſon is by our Law Conſtituted a Judge of their Priviledges, or hath authority to cenſure the Votes of one Houſe, made with reference to matters wherein they were conteſting with the other Houſe, *as the greateſt violation of the Conſtitution of Parliaments.* They ought certainly to have excepted the power which is here aſſumed of giving ſuch a judgment, and publiſhing ſuch a Charge, as being not only the higheſt violation of the Conſtitution, but directly tending to the deſtruction of it.

This was the Caſe, *and a few days continuance being like to produce a good underſtanding between the Two Houſes*, to the advancing *all thoſe* great and *publick ends*, for which the Nation hop'd they were called, the Miniſters *found it* neceſſary to put an end to that Parliament likewiſe.

We have followed the Writers of the Declaration through the ſeveral parts of it, wherein the Houſe of Commons are Reproached with many particular Miſcarriages, and now they come to ſpeak more at large, and to give caution againſt two ſorts of ill Men. One ſort they ſay, *are men fond of their old beloved Common-wealth Principles, and others are angry at being diſappointed in deſigns they had for accompliſhing their own Ambition and Greatneſs.* Surely if they know any ſuch Perſons, the only way to have prevented the miſchiefs which they pretend to fear from them, had been to have diſcovered them, and ſuffered the Parliament to Sit to provide againſt the evils they would bring

upon the Nation, by profecuting of them. But if they mean by theſe lovers of *Common-wealth Principles*, men paſſionately devoted to the Publick good, and to the common ſervice of their Country, who believe that Kings were inſtituted for the good of the People, and Government ordained for the ſake of thoſe that are to be governed, and therefore complain or grieve when it is uſed to contrary ends, every Wiſe and Honeſt man will be proud to be ranked in that number. And if *Common-wealth* ſignifies the Common Good, in which ſence it hath in all Ages been uſed by all good Authors, and which *Bodin* puts upon it, when he ſpeaks of the Government of *France* which he calls a *Republick*, no good man will be aſham'd of it. Our own Authors, *The Mirror of Juſtice*, *Bracton*, *Fleta*, *Forteſcue*, and others in former times. And of latter years, Sir *Thomas Smith*, Secretary of State in the Reign of Queen *Elizabeth*, in his Diſcourſes of the Common-wealth of *England*, Sir *Francis Bacon*, *Cook* and others, take it in the ſame ſence. And not only divers of our Statutes uſe the Word, but even King *James* in his firſt Speech unto the Parliament, acknowledgeth himſelf to be the *Servant* of the *Common-wealth*, and King *Charles* I. both before and in the time of the War, never expreſſeth himſelf otherwiſe. To be *fond* therefore of ſuch *Common Principles*, becomes every Engliſhman; and the whole Kingdom did hope, and were afterwards glad to find, they had ſent ſuch men to Parliament. If the Declaration would intimate, that there had been any deſign of ſetting up a *Democratical* Government,

ment, in oppoſition to our legal *Monarchy*, it is a calumny juſt of a piece with the other things which the penners of this Declaration have vented, in order to the laying upon others the blame of a deſign to overthrow the Government, which only belongs unto themſelves.

It is ſtrange how this *Word*, ſhould ſo change its ſignification, with us in the ſpace of twenty years. All *Monarchies* in the World, that are not purely Barbarous and Tyrannical, have ever been called *Commonwealths*. *Rome* it ſelf altered not that name, when it fell under the Sword of the *Cæſars*. The proudeſt and cruelleſt of Emperors diſdained it not. And in our days, it doth not only belong to *Venice*, *Genoua*, *Swetzerland*, and the *United Provinces* of the *Netherlands*, but to *Germany*, *Spain*, *France*, *Sweden*, *Poland*, and all the Kingdoms of *Europe*. May it not therefore be apprehended that our preſent Miniſters, who have ſo much decryed this *Word* ſo well known to our Laws, ſo often uſed by our beſt Writers, and by all our Kings until this day, are Enemies to the thing? And that they who make it a brand of Infamy to be of *Commonwealth Principles*, that is, devoted to the good of the People, do intend no other than the hurt and miſchief of that People? Can they in plainer terms declare their *fondneſs* of their *beloved* Arbitrary Power, and their deſign to ſet it up, by ſubverting our Ancient Legal Monarchy inſtituted for the benefit of the Commonwealth, than by thus caſting reproach upon thoſe who endeavour to uphold it.

Let the Nation then to whom the Appeal is made, judge who are the men that endeavour to *Poiſon* the People, and who they are who are guilty of deſigning innovations. *Bracton* tells us, that *poteſtas Regis* is *poteſtas Legis*: It is from the Law that he hath his Power, it is by the Law that he is King, and for the good of the people by whoſe conſent it is made. The Liberty and welfare of a great Nation, was of too much importance to be ſuffered to depend upon the will of one Man. The beſt and wiſeſt might be tranſported by an exceſs of Power truſted with them, and the experience of all times ſhoweth, that Princes as men are ſubject to Errors, and might be miſled. Therefore (as far as mans Wit could foreſee) our Conſtitution hath provided by Annual Parliaments, 36. *Ed.* 3. *cap.* 10. that the Commonwealth might receive no hurt; and it is the Parliament, that muſt from time to time correct the miſchiefs which daily creep in upon us. Let us then no longer wonder, when we ſee ſuch frequent Prorogations and Diſſolutions of Parliaments; nor ſtand amazed at this laſt unparalell'd effort of the Miniſters by this Declaration to render two Parliaments odious unto the People. They well know that Parliaments were ordain'd to prevent ſuch miſchiefs as they deſign'd, and if they were ſuffered to purſue the ends of their inſtitution, would endeavour to preſerve all things in their due order. To unite the King unto his People, and the Hearts of the People unto the King: To keep the Regal Authority within the bounds of Law, and perſwade His Majeſty to direct it to the

the publick Good which the Law intends. But as this is repugnant to the Introduction of Arbitrary Power and Popery, they who delight in both, cannot but hate it, and chuſe rather to bring matters into ſuch a State as may ſuit with their private Intereſts, than ſuffer it to continue in its right Channel. They love to fiſh in troubled Waters, and they find all Diſorders profitable unto themſelves. They can flatter the Humor of a miſguided Prince, and encreaſe their Fortunes by the Exceſſes of a waſtful Prodigal. The Phrenſie of an imperious Woman is eaſily rendred propitious unto them, and they can turn the Zeal of a violent Bigot to their Advantage. The Treacheries of falſe Allies agree with their own Corruptions, and as they fear nothing ſo much as that the King ſhould return unto his People, and keep all things quiet, they almoſt ever render themſelves ſubſervient to ſuch as would diſturb them. And if theſe two laſt Parliaments, according to their Duty, and the Truſt repoſed in them, have more ſteadily than any other before them, perſiſted in the pious and juſt Endeavors of eaſing the Nation of any of its Grievances, the Authors of the Declaration found it was their beſt Courſe, by falſe Colours put upon things, and ſubtle Miſ-repreſentations of their Actings to delude the People into an Abhorrence of their own Repreſentatives, but with what Candor and Ingenuity they have attempted it, is already ſufficiently made known. And if we look about us, we ſhall find thoſe who deſign a Change, on either hand fomenting a Miſ-underſtanding between the

the King, his Parliament and People, whilſt Perſons who love the legal Monarchy, both out of Choice and Conſcience, are they who deſire the frequent and ſucceſful Meetings of the great Council of the Nation.

As for the other ſort of peeviſh Men, of whom the Declaration gives us warning, *who are angry at the Diſappointment of their ambitious Deſigns*; if theſe words are intended to reflect on thoſe Men of Honour and Conſcience, who being qualified for the higheſt Employments of State, have either left, or refuſed, or been removed from them, becauſe they would not accept or retain them at the price of ſelling their Country, and enſlaving Poſterity: And who are content to ſacrifice their Safety as well as their Intereſt for the Publick, and expoſe themſelves to the Malice of the Men in power, and to the daily Plots, Perjuries and Subornations of the Papiſts. I ſay, if theſe be the *ambitious Men* ſpoken off, the people will have conſideration for what they ſay, and therefore it will be Wiſdom to give ſuch Men as theſe no occaſion to ſay, that they intend to *lay aſide the uſe of Parliaments.*

In good earneſt, the Behaviour of the Miniſters of late, gives but too juſt occaſion to ſay, that the *uſe of Parliaments is already laid aſide.* For though his Majeſty has owned in ſo many of his Speeches and Declarations, the great danger of the Kingdom, and the neceſſity of the Aid and Counſel of Parliaments, he hath nevertheleſs been prevailed upon to diſſolve four in the ſpace of twenty ſix months, without making proviſion by

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their Advice ſuitable to our Dangers or Wants. Nor can we hope the Court will ever love any Parliament better than the firſt of thoſe four, wherein they had ſo dearly purchaſed ſuch a number of faſt Friends; Men, who having firſt ſold themſelves, would not ſtick to ſell any thing after. And we may well ſuſpect they mean very ill at Court, when their Deſigns ſhockt ſuch a Parliament. For that very *Favorite* Parliament no ſooner began in good earneſt to examine what had been done, and what was doing, but they were ſent away in haſte and in a Fright, though the Miniſters know they loſt thereby a conſtant Revenue of extraordinary Supplies. And are the Miniſters at preſent more innocent than at that time: The ſame Intereſt hath the Aſcendant at Court ſtill, and they have heightned the Reſentments of the Nation, by repeating Affronts; and can we believe them, that they dare ſuffer a Parliament now to ſit?

But we have gained at leaſt this one point by the Declaration, that it is owned to us, *that Parliaments are the beſt Method for healing the Diſtempers of the Kingdom, and the only means to preſerve the Monarchy in credit both at home and abroad.* Own'd by theſe very Men, who have ſo maliciouſly rendred many former Parliaments ineffectual, and by this Declaration have done their utmoſt to make thoſe which are to come as fruitleſs, and thereby have confeſſed that they have no concern for *healing the Diſtempers of the Kingdom, and preſerving the Credit of the Monarchy*; which is in effect to acknowledge themſelves to be what the

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Commons called them, *Enemies to the King and Kingdom.* Nothing can be more true, than that the Kingdom can never recover its *Strength and Reputation abroad*, or its ancient Peace and Settlement at home, his Majeſty can never be relieved from his Fears and his domeſtick Wants, nor ſecure from the Affronts which he daily ſuffers from abroad, till he reſolves not only to *call Parliaments*, but to hearken to them when they are called. For without that, it is not a Declaration, it is not repeated promiſes, nay, it is not the frequent calling of Parliaments which will convince the World, that the *uſe of them is not intended to be laid aſide.*

However we rejoyce, that his Majeſty ſeems *reſolved to have frequent Parliaments*, and hope he will be juſt to himſelf and us, by continuing conſtant to this Reſolution. Yet we cannot but doubt in ſome degree, when we remember the Speech made 26. *Jan.* 1679. to both Houſes, wherein he told them, that he was *Unalterably of an Opinion, that long Intervals of Parliaments were abſolutely neceſſary, for compoſing and quieting the Minds of the People.* Therefore, which ought we rather to believe, the *Speech* or the *Declaration*, or which is likely to laſt longeſt; *a Reſolution* of *an unalterable Opinion*, is a matter too nice for any but Court Criticks to decide. The effectual performance of the laſt part of the promiſe, will give us aſſurance of the firſt. When we ſee the real fruits of theſe *utmoſt Endeavours to extirpate Popery out of Parliament*; when we ſee the Duke of *York* no longer firſt Miniſter, or rather Protector

of

of theſe Kingdoms, and his Creatures no longer to have the whole Direction of Affairs; when we ſee that Love to our Religion and Laws is no longer a Crime at Court; no longer a certain Fore-runner of being diſgrac'd and removed from all Offices and Employments in their power, when the Word Loyal (which is faithful to the Law) ſhall be reſtored to its old meaning, and no longer ſignifie one who is for ſubverting the Laws; when we ſee the Commiſſions fill'd with hearty Proteſtants, and the Laws executed in good earneſt againſt the Papiſts, the Diſcoverers of the Plot countenanced, or at leaſt heard, and ſuffered to give their Evidence, the Courts of Juſtice ſteady, and not avowing a Juriſdiction one day, which they diſown the next; no more Grand Juries diſcharged, leaſt they ſhould hear Witneſſes, nor Witneſſes hurried away, leaſt they ſhould inform Grand Juries; when we ſee no more Inſtruments from Court labouring to raiſe Jealouſies of Proteſtants at home, and ſome regard had to Proteſtants abroad; when we obſerve ſomewhat elſe to be meant by *Governing according to Law*, then barely to put in Execution againſt Diſſenters, the Laws made againſt Papiſts; then we ſhall promiſe our ſelves not only *frequent Parliaments*, but all the bleſſed effects of purſuing Parliamentary Counſels, the *Extirpation of Popery*, *the Redreſs of Grievances*, *the Flouriſhing of Laws*, and the perfect *Reſtoring the Monarchy to the Credit which it ought to have*, (but which the Authors of the Declaration confeſs it wants) *both at Home and Abroad.* There needs no time *to open the Eyes of his*

his Majeſties good Subjects, and their Hearts are ready prepared to meet him in Parliament, in order to perfect all the good Settlement and Peace, wanting in Church and State.

But whilſt there are ſo many little Emiſſaries imployed to ſow and encreaſe Diviſions in the Nation, as if the Miniſters had a mind to make his Majeſty the Head of a Faction, and joyn himſelf to one Party in the Kingdom, who has a juſt right of Governing all (which *Thuanus lib.* 28. ſays, was the notorious folly, and occaſioned the Deſtruction of his Great Grandmother *Mary* Queen of *Scots*) whilſt we ſee the ſame Differences promoted induſtriouſly by the Court, which *gave the riſe and progreſs to the late troubles*, and which were once thought fit to be buried in an Act of Oblivion. Whilſt we ſee the *Popiſh* intereſt ſo plainly Countenanced, which was then done with Caution; when every pretence of Prerogative is ſtrained to the utmoſt height, when Parliaments are uſed with Contempt and Indignity, and their Judicature, and all their higheſt Priviledges brought in Queſtion in Inferiour Courts, we have but too good cauſe to believe, that though every Loyal and Good Man does, yet the Miniſters and Favourites, do but little *conſider the Riſe and Progreſs of the late Troubles*, and have little *deſire or care to preſerve their Country from a Relapſe*. And who as they never yet ſhewed *regard to Religion, Liberty, or Property*, ſo they would be little concern'd to ſee the *Monarchy ſhaken off*, if they might eſcape the Vengeance of Publick Juſtice, due to them for ſo long a Courſe of Pernicious

nicious Counſels, and for Crowning all the reſt of their Faults by thus reflecting upon that High Court, before which we do not doubt but we ſhall ſee them one day brought to Judgment.

Thus have we with an *Engliſh* plainneſs, expreſſed our thoughts of the late Parliament and their Proceedings, as well as of the Court in Relation to them, and hope this Freedom will offend no Man. The Miniſters, who may be concern'd through their appealing unto the People, cannot in Juſtice deny unto any one of them the Liberty of weighing the Reaſons which they have thought fit to publiſh in Vindication of their Actions. But if it ſhould prove otherwiſe, and theſe few Sheets be thought as weak and full of Errors, as thoſe we endeavour to confute, or be held injurious unto them, we deſire only to know in what we tranſgreſs, and that the Preſs may be open for our Juſtification; Let the People to whom the Appeal is made judge then between them and us; and let Reaſon and the Law be the Rules, according unto which the Controverſie may be decided. But if by denying this, they ſhall like Beaſts recur to force; they will thereby acknowledge that they want the Arms which belong to rational Creatures. Whereas if the Liberty of Anſwering be left us, we will give up the Cauſe, and confeſs, that both Reaſon and Law are wanting unto us, if we do not in our Reply ſatisfie all Reaſonable and Impartial Men that nothing is ſaid by us, but what is juſt, and neceſſary to preſerve the Intereſts of the King and his People. Nor can there be any thing more to the honour of his

his Majeſty; than to give the Nations round about us to underſtand, that the King of *England*, doth neither Reign over a Baſe, Servile People, who hearing themſelves Arraign'd, and Condemned, dare not ſpeak in their own Defence and Vindication; nor over ſo ſilly, fooliſh, and weak a People, as that ill-deſigned, and worſe ſupported Paper might occaſion the World to think, but that there are ſome Perſons in his Dominions, not only of true *Engliſh* Courage, but of greater Intellectuals as well as better Morals, than the Adviſers unto, and Penners of the Declaration have manifeſted themſelves to be.

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